

**NOMINATIONS OF SHERRI M. BEATTY-ARTHUR,
RAHKEL BOUCHET, ERIN C. JOHNSTON,
RAY MCKENZIE, AND JOHN C. TRUONG**

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

—
NOMINATIONS OF SHERRI M. BEATTY-ARTHUR,
RAHKEL BOUCHET, ERIN C. JOHNSTON, RAY MCKENZIE,
AND JOHN C. TRUONG TO BE ASSOCIATE JUDGES, SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA

—
JUNE 4, 2024

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**NOMINATIONS OF
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RAY MCKENZIE, AND JOHN C. TRUONG**

TUESDAY, JUNE 4, 2024

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:02 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Gary Peters, Chair of the Committee, presiding.

Present: Senators Peters [presiding], Carper, Hassan, Rosen, Blumenthal, Butler, Lankford, Hawley, and Marshall.

OPENING STATEMENT OF SENATOR PETERS¹

Chairman PETERS. Today, we are considering five nominees to be the Associate Judges on the Superior Court of the District of Columbia; Sherry Beatty-Arthur, Rahkel Bouchet, Erin Johnston, Ray McKenzie, and John Truong. Welcome to each of one of our nominees, and to your friends, and your family members who I know are joining you. We welcome all of you here to this Committee, and congratulations on your nominations.

Thank you. That's a very sincere thank you for your willingness to take on a very challenging role at the DC Superior Court as a judge. The DC Superior Court functions as the State-level trial court here in the nation's capital. The court handles some of the highest case volumes in the country and is strained further by extended vacancies on the bench.

Every day, judges in the superior court decide matters that impact the freedom, the livelihoods and safety of individuals and families all across the District of Columbia. Currently, 13 of the 62 seats on the current court are vacant, delaying cases, and placing serious burdens on current judges.

This Committee has advanced seven superior court nominees this Congress, but most are unfortunately still waiting to be confirmed by the full Senate. I am glad that we will be voting on two of these nominees, however, later today. Tanya Jones Bosier and Judith Pipe both currently serve as magistrate judges on the Superior Court, and have dedicated their legal careers to serving the people of the District of Columbia. I urge my colleagues to join me in sup-

¹The prepared statement of Senator Peters appears in the Appendix on page 27.

porting these well qualified nominees, and I hope we will be able to fill the remaining vacancies for the court very soon.

To the nominees here today I look forward to learning more about your qualifications, as well as your plans for serving the superior court bench. It's the practice of the Homeland Security and Governmental Affairs Committee (HSGAC) to swear in witnesses. If each of you would please stand and raise your right hand.

Do you swear the testimony that you give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God

Ms. BEATTY-ARTHUR. I do.

Ms. BOUCHET. I do.

Mr. JOHNSTON. I do.

Ms. MCKENZIE. I do.

Mr. TRUONG. I do.

Chairman PETERS. Thank you. You may be seated.

Our first nominee is Sherry Beatty-Arthur, nominated to be the Associate Judge on the Superior Court of the District of Columbia. Judge Beatty-Arthur has served as a magistrate judge from the Superior Court since 2020. Prior to her appointment as a magistrate judge, she served as an administrative law judge (ALJ) for the District of Columbia Office of Administrative Hearings, and earlier in her career, Judge Beatty-Arthur held positions at the Securities and Exchange Commission (SEC), the Public Defenders Service (PDS) for the District of Columbia, as well as private practice.

She received her Juris Doctor (JD) from Howard University School of Law in 1998, her Bachelor of Arts (BA) from the University of Maryland College Park in 1995, as well as a Masters of Business Administration (MBA) from the University of Maryland University College in 2011.

Judge, welcome to the Committee. You may proceed with their opening remarks.

TESTIMONY OF SHERRI M. BEATTY-ARTHUR,¹ TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Ms. BEATTY-ARTHUR. Thank you very much.

Chair Peters, Ranking Member Paul, and Members of the Committee, I am humbled and honored to appear before you today as you consider my nomination to be an associate judge of the Superior Court of the District of Columbia.

I would like to thank the Committee staff for his time and dedication and preparing for this hearing. I would like to thank President Joseph Biden for nominating me. I would also like to thank all the members of the District of Columbia Judicial Nomination Commission (JNC), especially it's Chair, the Honorable Marie Johns for recommending me to the White House, and to the former Chair, the Honorable Emmett Sullivan for his continued support. I would also like to thank Chief Judge Anita Josey-Herring for her leadership and constant encouragement and former Chief Judge Robert Morin for appointing me as a magistrate judge to superior court in 2020.

¹The prepared statement of Ms. Beatty-Arthur appears in the Appendix on page 28.

I am very proud to say I am a native Washingtonian, and my education and career has been in Washington DC or its nearby jurisdictions, but my story really begins in rural Alabama and North Carolina through my parents, Howard, and Wynell. My father came to Washington after serving this country in the U.S. Air Force (USAF) in the early days of Vietnam, and my mother traveled here from Alabama the day after her graduation, seeking new opportunities. My parents came here and made a good life for me and my brother, Tony. They taught us that if we worked hard in both school and our professional lives, anything would be possible. Frankly, they gave up everything so that we could have everything. My dad passed away in 2001, but I continue to carry his many lessons with me, especially about the importance of hard work. I would also like to thank my mother, Wynell Beatty, who is here with me today, for her never-ending encouragement and for constantly championing the importance of my education.

I would also like to thank my brothers, Tony and Reggie, my in-laws, Errol and Violet Arthur, who are also here with me today. My sisters-in-law, Sheyna Arthur, and Justine Jaquez, my brother-in-law, Justin Jaquez, my nephews Kevin, Isaiah, Jeromy, and Jacob for cheering me on in all of my pursuits. I must thank all of my friends who keep me in constant prayer.

I reserve a special thanks to my husband and best friend, the Honorable Errol R. Arthur, who is here with me today. Errol and I are birds of the same feather, and for 31 years he's been a constant and unwavering support. Errol and I have walked together in our lifelong pursuits in public service, and I would not be here without him.

I also would like to say I am the proud mother of two spectacular children. I am joined by my son, Miles Arthur, who is a proud graduate of Morehouse College, and my daughter, Layla Arthur, who is a rising senior at Spelman College.

It has been an honor and a privilege to serve at the Superior Court of the District of Columbia, where I began my career as a student attorney with DC law students in court almost 25 years ago. Thereafter, I began a legal career handling employment law cases at both the United States Department of Agriculture (USDA) and at the United States Securities and Exchange Commission.

After that, I worked as a partner at Arthur & Arthur, professional limited liability company (PLLC), where I represented clients and family law, cases of small business development and other civil matters. Thereafter, I served as a Director of human resources (HR) for the Public Defender Service for the District of Columbia.

After that, I served as an administrative law judge for District of Columbia at the Office of Administrative Hearings, where I heard thousands of cases in every jurisdiction, including public works, unemployment, compensation, licensing and enforcement, and rental housing. Since 2020, I have been a magistrate judge for the District of Columbia, where I have presided over, again, thousands of cases in paternity and support, juvenile new referrals, and an abuse and neglect.

It has been an honor to serve the citizens of Washington, DC throughout my career. I am humbled by this opportunity, and if

confirmed as an associate judge, I will continue to serve my community.

I look forward to answering any questions you may have, and thank you for your time.

Chairman PETERS. Thank you, Judge.

Our next nominee is Rahkel Bouchet. Judge Bouchet has served as a magistrate judge for the District of Columbia Superior Court since 2016, and is currently the deputy presiding magistrate judge.

Prior to joining the bench, Judge Bouchet spent over 15 years in private practice focusing on family and criminal law. She also previously served as the supervising attorney for the Child Welfare and Family Justice Clinic at Howard University School of Law from 2013 to 2015. Judge Bouchet received her JD from Howard University School of Law in 1997, and her BA cum laude from Howard University in 1993.

Judge Bouchet, wonderful to have you here. You may proceed with your opening remarks.

TESTIMONY OF RAHKEL BOUCHET,¹ TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Ms. BOUCHET. Mr. Chair, and distinguished Members of the Committee, thank you for this opportunity to appear before you as you consider my nomination to be an associate judge of the District of Columbia Superior Court.

I am deeply grateful, humbled, and honored to appear before you. I would like to also express my sincere appreciation to the Committee Members and dedicated Committee staff for considering my nomination. I would like to thank the District of Columbia Judicial Nomination Commission, particularly as former Chair Judge Emmett Sullivan for recommending me to the White House, and I am grateful to President Joseph R. Biden for nominating me for this position. I want to thank Chief Judge Anita Josey-Herring for her support and leadership.

I am grateful to God for being here, and I would like to begin by introducing my family, many of whom are here today with me. My mother, Attorney Margo Bouchet, upon whose bold shoulders I stand, for her guidance, love, and support. As a single mother, she gave me the foundation of faith and taught me to be a woman of integrity, to work hard and to strive for excellence.

I want to acknowledge my maternal grandmother, Alma Pearl Rivero, the matriarch of my family, who had dreams of being a lawyer but never attended college. She passed away in December 2020. I am proud that she witnessed her dreams manifested in me and my appointment to the bench as a magistrate judge. I know that she's here in spirit.

I want to acknowledge my children, Dominique Jackson, a determined young woman, and a proud third generation from my alma mater, Howard University. She just completed her first year at Howard University College of Dentistry. My son, Stephen Jackson, a brilliant young man. He's a rising junior at Morehouse College, majoring in film and television, and a minor in Mandarin, and also a concentration in Spanish.

¹The prepared statement of Ms. Bouchet appears in the Appendix on page 54.

I was a single mother during most of their formative years, and they have been my reason for being my inspiration and my greatest source of joy and pride, and I love you both. I want to also acknowledge my daughters, Erinn Fontno, a courageous and driven young woman, and Laurynn Fontno, an extremely talented culinary artist who have lovingly accepted Dominique, Stevie, and me into their lives.

It has been such a blessing to watch my children blossom into the strong women and young man they are today. I hope that this moment is a testament to all my children as to what is possible when you walk in faith and refuse to accept limitations for yourself. I must thank my wonderful husband, Eddie Fontano, an exceptionally talented artist, for his unwavering support and unconditional love. Thank you for being my best friend, an amazing husband, and a loving father to all of our children.

I want to acknowledge my brothers Tony and Terry Williams, my godparents Thomas and Mary Leonard, my aunt Sandra Bolden, and my uncle Emil Rivera, who are here today in support. I would also like to thank my extended family and dear friends for their love and encouragement.

I must acknowledge former Chief Judge Satterfield for giving me the opportunity to serve as a magistrate judge, and former Chief Judge Robert Morin, for encouraging me to apply for this position. I want to acknowledge my court family, in particular, my magistrate judges colleagues. Without them, the Superior Court would grind to a halt.

I would be remiss if I did not acknowledge our judicial administrative assistants in the magistrate judges' chambers, law clerks, and my colleagues on the bench who have mentored and supported me throughout my career. I must also acknowledge Attorney Gregory (AG) Copeland, whose advice and counsel set me on a course that led to this moment.

I was born in Los Angeles, California, and initially moved to the District of Columbia to follow in my mother's footsteps and attend Howard University and Howard University School of Law. In 2007, I returned to the District of Columbia to start my private practice, appearing primarily in the DC Superior Court.

During my years as a sole practitioner, I represented the district's most vulnerable families, and I had the honor of supervising the Child Welfare/Family Justice Clinic at Howard University School of Law, overseeing talented law students, and helping shape them into lawyers.

In 2016, I was appointed as magistrate judge with the DC Superior Court, and I have had the honor of presiding over many of the district's high-volume courtrooms in the family, domestic violence, civil and criminal divisions, with the necessary humility and integrity to ensure that the law is upheld and that litigants have a fair and just experience.

I am confident that I am well equipped to take on the added responsibility of being an associate judge because I bring diverse experience as a litigator and magistrate judge.

Thank you for considering my nomination.
Chairman PETERS. Thank you, Judge.

Our next nominee is Erin Johnston. Ms. Johnston is currently a litigation partner at Kirkland & Ellis, limited liability partnership (LLP) in Washington, DC where she has practiced since 2007. During her time at Kirkland & Ellis, Ms. Johnson has handled a wide range of complex commercial matters, including fraud, antitrust, securities, government investigations, and appeals. She has also maintained a robust pro bono practice representing many clients in the DC Superior Court.

Ms. Johnston received her JD from New York University School of Law in 2007, and her BA laude from the University of California Los Angeles in 2003.

Ms. Johnson, welcome to the Committee. You may proceed with your opening remarks.

TESTIMONY OF ERIN C. JOHNSTON,¹ TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Ms. JOHNSTON. Chairman Peters, Ranking Member Paul, and members of the esteemed committee, thank you for considering me for the role of associate justice of the DC Superior Court.

I would like to thank your staff for their courtesy and professionalism. Thank you to the Judicial Nomination Commission, and especially its Chair, the Honorable Marie C. Johns for recommending me to the White House. I would also like to thank President Joseph Biden for nominating me. I am deeply grateful to the judges of the DC Superior Court and Chief Judge, Anita Josey-Herring for all of the generous encouragement I have received throughout this process.

I am most grateful to my family. I am fortunate to have extended family across this country. Here with me today from California is my sister Stacey Gomez. She has been by my side in every important moment in my life. She was the first to envision my nomination to the judiciary, and I thank her for her steadfast belief in me and my potential. I reserve special thanks for my three children who are also here with me today. My children are my inspiration. They make me better, and they are my most fun cheerleaders every day.

My mother worked hard to provide me with the educational opportunities available in this country that had not been available to her. It was those efforts that enabled me to find my way to the New York University School of Law. Since graduating from law school, I have lived here in the District. It has been a privilege to belong to such a vibrant community and to raise my children here.

I have spent my professional career at the Washington D.C. office of Kirkland & Ellis. I have worked on large scale litigation involving complex and novel legal issues that reflect the vast array of subject matters that touch our courtrooms, from contract claims and torts, to statutory interpretation and criminal matters. I have taken several cases from inception through appeal, gaining extensive firsthand experience with every stage of the litigation process.

The matters that have meant the most to me have been my pro bono work. I have spent nearly 2,000 hours on pro bono work over the course of my career, including handling several family law

¹The prepared statement of Ms. Johnston appears in the Appendix on page 77.

cases before the D.C. Superior Court. In choosing this work, I sought to represent families that otherwise would not have had access to counsel during what was often the most pivotal and challenging moments of their lives. I saw firsthand the impact of the justice system on the residents of the district. It would be a privilege to contribute to these cases from the bench at the D.C. Superior Court.

The breadth and depth of my experience have prepared me well for the wide range of matters that the D.C. Superior Court faces each day. I have learned the value of hard work and preparation, how to communicate effectively with people from all walks of life, and the importance of the dignity of each person involved in the judicial process. In my practice in State and Federal courts across the country, I have seen judges who embody a reverence for the rule of law, listen with an open mind, move matters forward thoughtfully and effectively, and lead with steady compassion. If confirmed, this is the kind of judge I would endeavor to be. I would be grateful to serve the district by dedicating myself in every case to the rule of law and providing equal access to justice.

Thank you for the opportunity to appear before you. I look forward to answering your questions.

Chairman PETERS. Thank you.

Our next nominee is Ray McKenzie. Mr. McKenzie is currently a principal at Miles and Stockbridge in Washington, D.C. where he recently moved his practice after founding and running a boutique law firm specializing in white collar defense and compliance from 2019 to 2024.

Prior to starting his own firm, Mr. McKenzie served as an Assistant U.S. Attorney (AUSA) in the U.S. Attorney's Office for the District of Maryland from 2015 to 2019. Earlier in his legal career, Mr. McKenzie worked at Skadden, Arps, in Washington, D.C., and served as a law clerk on the U.S. District Court for the Eastern District of Virginia.

Prior to law school, Mr. McKenzie taught fifth and sixth grade at public schools in Virginia—thank you, very important and challenging job. We appreciate that. Mr. McKenzie also received his JD from the University of Virginia School of Law in 2008, and his BA and Master of Teaching from the University of Virginia in 1998. He also earned his Master of Divinity from Samuel DeWitt Proctor School of Theology at Virginia Union University in 2003.

Mr. McKenzie, welcome. You may proceed with your opening remarks.

**TESTIMONY OF RAY MCKENZIE,¹ TO BE AN ASSOCIATE JUDGE,
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

Mr. MCKENZIE. Chair Peters, Ranking Member, and Members of the Committee, let me first begin by expressing my appreciation to God for allowing me the opportunity to be here today, appearing before you. Let me also sincerely thank each of you on the Committee and the Members of your staff for your hard work and dedication. Thank you for convening this hearing and considering my nomination.

I must express my heartfelt gratitude to the District of Columbia Judicial Nomination Commission. It's Chair, the Honorable Marie Johns, its Vice Chair, the Honorable Ben Wilson, and its other members for their service to the citizens of the District of Columbia, and for recommending me to the White House. I also express my appreciation to the former chairman of the JNC, Honorable Emmett Sullivan, who encouraged me to apply to serve as an associate judge, as well as the judges on the superior court bench and other courts who have been sources of encouragement, information, and inspiration throughout this process.

I also must share my profound appreciation and thanks to President Joseph R. Biden for nominating me for this position. It is a great honor to be nominated to the court of general jurisdiction for the city where my wife and I have lived for the last 16 years, and where we are raising our family. As a young man growing up on the south side of Richmond, surrounded by poverty and other challenges, but shielded and secured by faith and love, I could not have imagined I would come to these hallowed grounds as a judicial nominee. I am deeply and profoundly honored and humbled.

I have the few of the most important people in my life with me here today. My father, the Reverend Dr. Ray McKenzie Jr., for whom I am named, is here with me in the flesh. My mother, Ingrid, who passed in 2000, is here with me in spirit. She and my father instilled in me the importance of faith, service, education, and perseverance, which have provided the foundation for the person I am although she could not be here today.

I acknowledge my bonus mother, the Reverend Dr. Faith Harris, who has been a loving and restorative partner for my father and a supportive encouragement for me. I likewise am grateful that one of my siblings, David, is here with me today. I recognize the sacrifice he is taking to be here. I am grateful for our shared experiences growing up and beyond, and I know my late sister Rachel is smiling down on us from heaven.

I would like to also acknowledge my nieces and nephews, Ana, Jess, Joshua, Malaka, Elijah, Alana, Halle, and Jason. Additionally, I am very pleased to have with me my godmother, Dr. Barbara M. Amos, whose counsel and guidance have been invaluable to me and my family throughout the years.

I have reserved special honor and thanks for my wife, Crystal, and my children, affectionately known as the "Three Es", Ethan, Ella, and Elliot. They are here with us today. Without Crystal's love, support, and occasionally her helpful and constructive lectures, I would not be here today. Words cannot express my grati-

¹The prepared statement of Mr. McKenzie appears in the Appendix on page 97.

tude to you and my love for you. The joys and challenges of bringing our children and the patience they continue to teach me have made me a better man. Relatedly, I am pleased to have Crystal's mom, Sharon, who I call Mama Hill, with me here today. Thank you.

Ultimately, I must express deep and sincere gratitude to my judicial role model and mentor, Honorable James R. Spencer, who hired me as a law clerk out of law school when he was the chief judge on the U.S. District Court for the Eastern District of Virginia. Judge Spencer was the consummate trial judge who demonstrated keen preparation, humility, and above all, fidelity to the rule of law. I will endeavor to demonstrate all these attributes should I be confirmed as an associate judge for the Superior Court of the District of Columbia.

In closing, I must note that the law is a second career for me. I spent the first seven years out of college as a public school educator. Since deciding to take on this new adventure in the law, I have had the blessing of serving in a variety of roles that I believe have prepared me for this position. The opportunity to now return to public service as an associate judge on the Superior Court of the District of Columbia is awe inspiring. I will draw upon those very experiences as a Federal prosecutor, defense attorney, and public school teacher in this new role if I am confirmed.

Thank you for considering my nomination. I look forward to answering your questions.

Chairman PETERS. Thank you.

Our final nominee is John Truong. Mr. Truong is currently a deputy chief in the civil division of the U.S. Attorney's Office for the District of Columbia, where he has served since 2013. From 2008 to 2013, Mr. Truong served as assistant U.S. attorney in the office's criminal division, where he prosecuted misdemeanor and felony crimes in the D.C. Superior Court. Earlier in his legal career, Mr. Truong also worked as an associate at the law firm Morgan Lewis, and as a law clerk for the District Court for the District of Columbia.

Mr. Truong received his JD from American University in 1997, his MA in 2003, and his BA from the University of Southern California in 1993. Mr. Truong, welcome to the Committee. You may proceed with your opening remarks.

TESTIMONY OF MR. JOHN C. TRUONG,¹ TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. TRUONG. Chair Peters, Ranking Member Paul, and the Members of this Committee, I thank you for the opportunity to appear before you today for consideration of my nomination to be an associate judge of the Superior Court of the District of Columbia. I also want to thank your dedicated and hardworking staff for the hearing today. I am tremendously grateful and honored to be nominated by President Biden earlier this year and by former President Trump in 2020. I also want to thank the D.C. Judicial Nomination Commission and its chairs, the Honorable Marie Johns, as well as

¹The prepared statement of Mr. Truong appears in the Appendix on page 127.

a former Chair, Judge Emmett Sullivan, for recommend me to the White House.

I can say with great humility and honesty that I would not have attained my many accomplishments without Judge Ricardo M. Urbina of the United States District Court for the District of Columbia, for whom I had the privilege to clerk. His mentorship and friendship have guided me throughout my professional and personal life. I also want to thank former U.S. attorneys Phillips and Jessie Liu, and the current U.S. Attorney, Matthew Graves. I am very fortunate to have served under each of these extraordinary leaders.

I am very grateful for the support of my family and friends. Some are here today, and some are watching this hearing remotely. I am the proud husband of Sabrina Vasa, an accomplished attorney, and an amazing mother. In fact, today is also a very special day as it's Sabrina's birthday. Happy birthday, honey. I love you. We are truly blessed to have two loving daughters, four-year-old Priyanka, and two-year-old Anjali, who are the most fun and funny tiny humans I know. They are the love and joy of my life, and they are my greatest achievement.

I also want to thank my younger brother, Kent, who is my role model and my sister-in-Law, Dr. Bui, for their love and support. I am a proud uncle of my niece, Grace, who is a rising senior at George Washington University (GWU), and my nephew, Ben, a rising senior in high school. They all travelled from California to be here with me today. I reserve a special thanks to my mother-in-law, Elizabeth Preeti Vickers, who is kind and generous with her time and love, and is a dotting grandmother. She traveled from Nebraska to be here with us today.

Ultimately, who I am as a person is because of my parents, Brian Truong, and Mai Nguyen. My parents made a courageous decision to separate our family to save our lives, not knowing whether we would see each other again. My father and I escaped from Vietnam, first in a fishing boat, landed in a refugee camp in Hong Kong, and eventually immigrated to the United States. A year later, my mother and my younger brother traversed that same dangerous journey, and the entire family was thankfully reunited as "boat people" refugees in this country. My parents came to this country with little personal possessions and did not know the language of our adopted home, but they were filled with hope and faith. They instilled in me the value of education, good work ethic, and perseverance. My parents worked hard and made sacrifices so that I can be here today.

I have been a part of the D.C. legal community for more than 25 years. I began as a Federal judicial law clerk and went on to private practice where I worked in complex civil litigation for 6 years. I later joined the U.S. Attorney's Office for the District of Columbia.

During my 19 years as a civil and criminal assistant U.S. Attorney, I gained a broad spectrum of legal experiences, including five years when I worked exclusively in the criminal division, where I prosecuted misdemeanor and felony crimes in DC. In 2022, I was promoted to become a deputy chief for the civil division, where I

supervise and counsel assistant U.S. attorneys in all aspects of Federal district court litigation.

It has been a great honor for me to represent the United States to enforce the law and to defend its interests in courts. I hope to now have the opportunity to serve the members of this community in a new role, if confirmed, to be served as an associate judge.

Thank you, again, for considering my nomination. I look forward to answering any questions that the committee may have.

Chairman PETERS. Thank you.

There are three questions that this Committee ask of every nominee. I am going to ask each of you just to briefly respond with a yes or no. Other questions will require a more detailed answer, but this is the straightforward part. Ms. Beatty-Arthur, we will start with you, and then we will just work down the table.

First question, is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated? Judge.

Ms. BEATTY-ARTHUR. No, Senator.

Ms. BOUCHET. No, Senator.

Mr. JOHNSTON. No, Senator.

Ms. MCKENZIE. No, Senator.

Mr. TRUONG. No, Senator.

Chairman PETERS. Second. Do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Ms. BEATTY-ARTHUR. No, Senator.

Ms. BOUCHET. No, Senator.

Mr. JOHNSTON. No, Senator.

Ms. MCKENZIE. No, Senator.

Mr. TRUONG. No, Senator.

Chairman PETERS. Last, do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Ms. BEATTY-ARTHUR. Yes, Senator.

Ms. BOUCHET. Yes, Senator.

Mr. JOHNSTON. Yes, Senator.

Ms. MCKENZIE. Yes, Senator.

Mr. TRUONG. Yes, Senator.

Chairman PETERS. Great. Thank you.

Judge Beatty-Arthur and Judge Bouchet, as magistrate judges on the D.C. Superior Court, you are all very familiar with the impact of the pervasive vacancies that are on the court. Things that I talked about in my opening comments. I would like each of you, if you would please describe the challenges the court currently faces due to these vacancies, and how you and your colleagues have adapted. Ms. Beatty you want to start?

Ms. BEATTY-ARTHUR. Sure. I have been on several high-volume courtrooms, specifically paternity and support, which hears thousands and thousands of cases. Then I moved on to juvenile new arraignments, which are similarly situated. The idea that you have to keep in mind is, even though the numbers are high when people come to court, they don't, they are not concerned about the high

numbers. They plan for their day in court. I must go there and give them their appropriate time.

I feel like the judge has the responsibility to set the tone in the room, specifically. I always come to court prepared. I let the parties know what my expectations are. I don't typically allow for many continuances because continuances, of course, slow down the court as well. The challenge is that it does not matter how many cases there are, business must continue. I am well versed on how to handle those additional challenges. Thank you.

Chairman PETERS. Yes, Judge Bouchet.

Ms. BOUCHET. I was appointed to the bench in 2016, and I have been a magistrate judge for the past eight years. I have presided over many of the high-volume calendars in the District of Columbia, the civil, family, domestic violence, and criminal division.

As a magistrate judge, we have played a substantial role in addressing the vacancies. In an effort to address the backlog to ensure that the court meets the needs of the District of Columbia, I have found that coming to court prepared and familiar with the record, understanding the issues that are before the court affords me the time to allow the parties to have a fair opportunity to be heard.

When you set expectations of the parties, especially the attorneys, they come to court prepared as well. I am confident that the experience and the skills that I have developed as a magistrate judge will allow me to help the superior court as an associate judge if I am confirmed. Thank you.

Chairman PETERS. Thank you.

My next question will be directed to Ms. Johnston, Mr. McKenzie, and Mr. Truong. We will just start with you, Ms. Johnston, and then move down the table. If confirmed, you will decide matters that impact the freedom, the livelihoods of the families and individuals that are going to come before you.

My question for each of you is, how will you ensure that each person who comes before you has a meaningful opportunity to be heard, and especially those who may not be represented by counsel?

Ms. Johnston, you can begin, and then Mr. McKenzie, and Mr. Truong.

Ms. JOHNSTON. Thank you. I believe that it's important, especially with unrepresented parties to have strong communication skills, and to speak in straightforward terms and avoid legal jargon when communicating with any litigants that are appearing in court, but especially those who do not have counsel with them.

I think that it's important for judges to come to each hearing, fully prepared, and with a mastery of the facts so that they can efficiently focus on the key issues, and provide an effective resolution to the case for the parties that appear before them.

Chairman PETERS. Thank you. Mr. McKenzie.

Mr. MCKENZIE. It's very important to have good communication skills in communicating, particularly, with pro se litigants or litigants who are not represented.

I have had the great privilege over the last three or four years to serve as an arbitrator for the American Arbitration Association

(AAA) in consumer matters. In many of those cases, the parties are not represented, or one side is and one side isn't.

What I endeavor in each of those cases to do is to understand fully the law that applies, learn the facts from the parties, and be very explicit and clear in what arguments are important, what issues I will be considering in a particular hearing. I think people need to be heard when they come to court, and I will endeavor to do that if confirmed.

Chairman PETERS. Thank you.

Mr. TRUONG. I share my fellow nominees' thoughtful responses, Senator. I want to add that in addition, if confirmed, I would commit to the ideas of due process, which means that I would make sure that those represented and unrepresented, too, have the opportunity to be heard.

Meaning, to explain myself clearly, make the courtroom proceedings understandable to the lay person, and commit to the idea of respecting the litigants, and for those unrepresented appearing before me.

Chairman PETERS. Thank you.

Senator Lankford has deferred his questions. Senator Butler you are recognized for your questions.

OPENING STATEMENT OF SENATOR BUTLER

Senator BUTLER. Thank you, Mr. Chair, for holding the hearing.

You noted in your opening remarks and our nominees have spoken to the vacancies of the Superior Court of The District of Columbia truly does impede the city's residents from receiving timely access to justice, and I am glad that we are here today to do some work to address that issue.

I am particularly proud to see that so many of these exceptional nominees have California roots. Ms. Bouchet as a native, Angeleno, Ms. Johnston as a University of California, Los Angeles (UCLA) graduate, and Mr. Truong, University of Southern California (USC). I am sure if we dug deep enough, we find some California background in our other two nominees as well. Needless to say, no matter what State or geography they come from, they are incredibly qualified to meet the moment of disseminating justice in the District of Columbia.

With that, I would like to focus my questions on the caseload and the tremendous backlog that the residents of the district are facing relative to experiencing justice in their cases. We know that the Superior Court of the District of Columbia serves about 671,000 people in Washington, D.C., and the latest statistics show that overall new case filings are increasing by 41 percent. Nearly 45,000 filings.

To that end, I would like to pose to each of you, and in this instance, Mr. Truong, we will start with you and work our way back. What do you believe are some of the biggest challenges that you would face in transitioning to the D.C. Superior Court, and what is your plan to ensure a smooth transition?

Mr. TRUONG. Thank you, Senator. Your question really identifies a critical issue confronting superior court at the moment. If confirmed to serve as a judge, one of the things I believe that can help

with the many cases is to move cases through the courtroom efficiently.

With that in mind, I commit to hard work and to prepare myself as much as possible for each case, for each issue, and to set expectations for the parties appearing before me. One of those expectations is that if cases are scheduled for a hearing, the hearing will go forward. I believe those expectations will make sure that the case will move through my courtrooms efficiently, and that should be one of the many things to address the case backlog.

Mr. MCKENZIE. Thank you, Senator, for the question. I believe that there are both external and internal factors that judges can employ in order to work efficiently and move cases through their courtrooms.

By that I mean, externally, communication with the lawyers and the litigants about what is expected. I believe judges who have robust standing orders that set forth clear expectations for what will occur in the courtroom is important.

Those are external factors, in addition to what Mr. Truong said, which is folks should have the expectation if a hearing is set for a date, it moves forward. There, of course, are some due process concerns, and you have to consider whether that's good cause for not doing so.

I think, internally, judges have to hire the right staff that are going to be hardworking, mission-focused on getting justice to the litigants that appear before the court, and also believe you can systematize some things such that they run smoothly and efficiently through chambers.

Ms. JOHNSTON. Senator, the backlog issue that you have raised is certainly one of the biggest challenges that any of the D.C. Superior Court judges are facing. I think it will be very helpful that in my practice, I have had a lot of experience dealing with heavy caseloads. I have developed the management skills and demonstrated the work ethic that I believe will be necessary to address this issue were I to be confirmed to the bench?

Ms. BOUCHET. Thank you, Senator. As a magistrate judge for the past eight years, I have presided over many of the high-volume calendars, and I think that that uniquely qualifies me to step in the role of an associate judge.

As the deputy presiding magistrate judge, I am often called upon to preside over multiple calendars in different divisions in a singular day, and quite often many of the divisions within a week. I come to court prepared, and I think that being prepared and efficient are the most proactive measures to address the cases. Thank you.

Ms. BEATTY-ARTHUR. Thank you, Senator. I appreciate the question, and I agree with my colleagues as well. As a magistrate judge, both Judge Bouchet and I both understand that the magistrate judges have had to roll up their sleeves to assist.

Quite frankly, the last two years, I was assigned to juvenile new referrals, and the caseloads increased substantially between 2022 and 2023, but they have to be heard within 24 hours. It does not matter how tired I might be or how long the day has been, I have to stay there and hear every case because they have to come through my courtroom.

The idea of working hard is not foreign to me. I am prepared to do that, and we will continue to do so.

Senator BUTLER. Thank you all for those thoughtful responses. My last question I would like to direct to Judge Bouchet and Mr. McKenzie. You both have backgrounds that involve our young leaders, Ms. Bouchet at Howard University and Mr. McKenzie as a classroom educator.

There are instances on the rise where our young leaders are finding themselves interacting with our criminal justice system and our court system at large. What lessons have you derived from your prior experiences working with our young leaders that prepare you to meet justice with them in this moment?

Ms. BOUCHET. I was proud to serve as the supervising attorney of the Family Justice Clinic at my alma mater, Howard University School of Law. It was an opportunity to train the young minds of tomorrow's leaders. When I see individuals who appear before me, I hope to serve as a message of what is possible for them. In my experience, supervising the students has also allowed me to have a certain level of understanding and compassion as I communicate with individuals when they appear before me.

Mr. MCKENZIE. I guess the biggest takeaway, and I will keep this brief, from teaching is showing my students they yearn for boundaries and providing boundaries I think is very important.

When folks find themselves perhaps in the wrong position, on the wrong side of the law, they need to know one, that I am an inspiration. I have been where they have been, but also, I am here to help them get back to the right path. They need rules, and guidelines, and boundaries in order to find themselves back on the right path.

Chairman PETERS. Thank you, Senator Butler.

Senator Hawley, you are recognized for your questions.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you very much, Mr. Chair.

Congratulations to the nominees. Thank you for being here. Ms. Johnston, if I could start with you. You work at a large corporate firm here in town, I think. Is that right?

Ms. JOHNSTON. Yes, Senator.

Senator HAWLEY. You, according to the materials you submitted, you have represented among other clients, The Boeing Company since 2013. Do I have that right?

Ms. JOHNSTON. That's correct.

Senator HAWLEY. According to the same materials for much of this representation, you served as the primary or the lead counsel for Boeing. Is that correct?

Ms. JOHNSTON. In certain matters I did.

Senator HAWLEY. Is that litigation still ongoing?

Ms. JOHNSTON. No, it's not.

Senator HAWLEY. There's a case in particular I want to ask you about. It's a case that featured breach of contract claim, fraud claims, and trade secret claims by a company called Alabama Aircraft Industries. They allege that Boeing stole proprietary information when the two companies were working together on a joint bid for an Air Force contract.

Now, a Federal jury had already determined that Boeing owed this company \$2.1 million for violating the bidding contract and for breaching a non-disclosure agreement. Boeing had previously in 2006, paid a \$615 million settlement to the Department of Justice (DOJ) to settle claims that it had illegally obtained competitors' information with lucrative government contracts.

As I am sure you are aware, Boeing has been at the center of major concerns about whistleblower retaliation, safety with its planes. In fact, we have heard testimony right here in this Committee about all of that. Here's what I am getting at. Boeing has engaged in corporate behavior in a pattern going back years now that shall we say, is less than model. Do you have any thoughts about your representation of this company? Any regrets, any concerns?

Ms. JOHNSTON. My work as an advocate, I have been duty bound to zealously advocate for my client's best interests. That is what I have done. As a neutral judge, I am very mindful that my role instead would be to apply faithfully and impartially the law to the specific facts that appear before me. That is what I would do.

Senator HAWLEY. No moral qualms at all?

Ms. JOHNSTON. I believe that it has always been a strength of mine to be able to see the shared humanity in every one of my clients, no matter the issue. I understand that as a judge, my role would be to fairly and impartially apply the law, no matter the parties or the issue that is before me. That is what I would do.

Senator HAWLEY. Shared humanity. This is a corporation though, isn't it? It's one of the biggest corporations in the world.

Ms. JOHNSTON. It is.

Senator HAWLEY. One of the most profitable corporations in the world. I assume you chose to represent them voluntarily. You were not forced to represent Boeing.

Ms. JOHNSTON. It was the case I was assigned to at my firm.

Senator HAWLEY. You continued to do it. You served as lead counsel. I thought there's multiple pieces of litigation in which you served as primary lead counsel for Boeing. Correct?

Ms. JOHNSTON. There are multiple Boeing matters that I have had.

Senator HAWLEY. Let me ask you about a different corporation that you have represented. The 3M Corporation, huge multinational conglomerate. In this case, the plaintiff was an individual named Jonathan Vaughn. He was an Iraq war veteran. He alleged that he had suffered hearing loss stemming from his use of defective earplugs manufactured by your client. Vaughn was awarded \$2.2 million in that case.

Here's a report from the case. The jury decided that 3M's earplugs were to blame for his current hearing impairment, while also determining the earplugs were unreasonably dangerous, according to the verdict form. 3M misrepresented the quality of the earplugs and was negligent in their design.

The report goes on to note that at the time of this verdict, this was the 9th of 15 cases against 3M to go against them in litigation over these earplugs. Just any conclusions or reflections on your involvement in that case?

Ms. JOHNSTON. Senator, I have had a varied practice handling cases that span the spectrum of legal issues and representing a wide range of parties throughout my career. I believe that the litigation matters and the variation in the work that I have done has given me a very strong and versatile litigation skillset and a comfort in the courtroom that would serve me well, were I to be confirmed to be a judge on the D.C. Superior Court.

Senator HAWLEY. So, you are not concerned is what I take from it. You do not have any regrets about representing either of these corporations in these various matters?

Ms. JOHNSTON. I believe that I have had a strong litigation practice throughout my career.

Senator HAWLEY. I heard that part, but I am asking if you have any regrets, if you have any qualms. Sounds like you do not, which is fine. Obviously you are a very talented person. You have done terrific work. You were made partner at a very early age, so you have a lot of skill. I am just trying to figure out why you have chosen to use it and for these particular clients.

Ms. JOHNSTON. I do not have regrets about my career. I believe that I have developed a strong litigation skillset that would serve me well as a judge.

Senator HAWLEY. Fair enough. I have concerns. Obviously, I do not love the representation. These big corporate clients, these huge corporations, they have so much influence in this capital. They have so much influence in our economy. They have probably every law firm in America lined up to represent them.

I just think sometimes we have to ask ourselves, do these people doing these kinds of things or ripping off people like Jonathan Vaughn, I mean, do they really need our representation? Obviously, every client's entitled to a vigorous defense. Sure. I am an attorney myself. We still have to ask ourselves as attorneys, should we be representing them? Do we want to do that? Obviously, it's your judgment. I am not suggesting you have done anything wrong. It's a 100 percent your judgment and you did your job well, but I have to say, it concerns me a little bit.

I am almost out of time, Mr. McKenzie. I just want to ask you one thing really quickly here before my time expires. You wrote a letter in 2021 asking then Vice President Pence to invoke the 25th Amendment. I just want to quote you to make sure I get this right. That's the removal from office provision, the unfitness from office provision of the Constitution.

You urged then Vice President (VP) Pence to invoke the 25th Amendment against then President Trump to declare to the leaders of Congress that, "The President's unable to discharge the powers of his office." You went on to say that then President Trump, "was unfit for office, and a reckless and wanton threat to the Constitution."

Does that still reflect your views?

Mr. MCKENZIE. Senator, I do want to correct the record. I did not write the letter. I, along with hundreds of other folks, signed onto the letter because we were concerned about the events of January 6th.

Senator HAWLEY. OK. You signed the letter though.

Mr. MCKENZIE. Absolutely.

Senator HAWLEY. And does that still represent your views?

Mr. MCKENZIE. I signed a letter, Senator, that I was concerned about January 6th.

Senator HAWLEY. Yes. You have not changed your view at all, that the ex-President is unfit for office, reckless, and wanton threat to the Constitution?

Mr. MCKENZIE. Under the judicial code of ethics, if that matter were to come before me it would be inappropriate for me to state my position at this time. I am precluded from stating that position.

Senator HAWLEY. I am just trying to figure out if your views changed. I think you have answered my question. I think your answer is you stand by it. You signed it, you stand by it. Is that fair to say? I am not trying to get how you rule on a case. I am just trying to figure out—you signed a letter. I just want to make sure that you have not changed your views.

I think you have answered my question. I think you said you stand by it. Don't let me put words in your mouth, but is that correct? You signed it, you stand by it. Is that fair to say?

Mr. MCKENZIE. It is correct that I signed that letter.

Senator HAWLEY. OK. We will leave it at that.

Thank you, Mr. Chair.

Chairman PETERS. Thank you, Senator Hawley.

Senator Carper, you are recognized for your questions.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Welcome to the Committee on Homeland Security and Governmental Affairs, which a long time ago I had the privilege to chair and to serve with these fellows and with a guy named Tom Coburn that was, I think, your predecessor, if I am not mistaken. We have a tradition of being a bipartisan committee. We do not see enough of that in the House and Senate these days, especially in the House. But hopefully you will see it here today.

I want to thank our distinguished nominees for being here this morning, for your willingness to serve on the D.C. Superior Court. I am a recovering Governor. There are recovering Governors. My staff, my colleagues would say I am not really recovered.

In our State, in a lot of States, Governors nominate people to serve on a variety of courts. That's true in Delaware. We have advisory committees, you know, who recommend people for us. But at the end of the day, in Delaware, the Senate ends up taking the hand-off from the Governors.

It's a pretty good approach, and we try to do it in a bipartisan way. We try to do it in a way that we do not waste time and that we do not leave the people of Delaware without the kind of judiciary that's needed to help people in their lives, businesses, and so forth. I come to today's hearing with that in mind.

But every time this Committee holds a hearing on DC judicial nominees, my colleagues, they hear me share my concern about extensive judicial vacancies on local DC courts. These concerns persist to this day because too many vacancies still plague the district courts. Last month, the chief judges of both the DC Superior Court and the Court of Appeals, sent an open letter, an open letter to the U.S. Senate, urging us to immediately fill the vacancies on both courts.

Despite judicial nominees regularly passing out of this Committee many with bipartisan support, as I said earlier, there is frequently still months-long delay before they are confirmed on the Senate floor itself. As my colleagues have heard me say more than a few times, justice delayed is justice denied.

Currently, there are six nominees to the DC Superior Court that are still awaiting a vote on the Senate floor who have passed out of this Committee. I am glad that Senator Schumer has filed cloture on two of those nominees, and that these nominees should be confirmed, and could be confirmed soon as this week. Hallelujah.

With that said, only one DC judicial nominee has been confirmed this entire Congress. I think that's disgraceful. I think that's really disgraceful, and it's unacceptable that the local DC courts have vacancies that last years because the Senate fails to act in a timely way, the system as it stands, is not working. We need to reform it.

I introduced, some of you know, the District of Columbia Courts Judicial Vacancy Reduction Act to do just that by applying a 60-day congressional review period to DC judicial nominees to streamline this nomination process. Faster confirmation process in the U.S Senate would help with a vacancy crisis and better equip local courts here to serve the people of the District of Columbia.

It's with this in mind that I would move into my questions for the nominees. First question. Again, going back to the time I served as Governor of Delaware, considering potential candidates to serve on Delaware's highly regarded Supreme Court and court of chancery.

I look for a number of characteristic or attributes with interest in sound, moral character. I was interested in nominees with a complete knowledge of the law, a willingness to listen to both sides of an argument, judicial temperament, and the ability to make difficult decisions with sound reasoning.

Could each of you please take a minute to discuss the importance of having these attributes as a judge, and how, if confirmed, you would bring these qualities to the District of Columbia Superior Court as an associate judge? Ms. Beatty-Arthur, please.

Ms. BEATTY-ARTHUR. Thank you very much. I think it's critical what you are describing. We spent a lot of time today talking about the backlog, but still being a good judge and full of the appropriate demeanor and character is essential.

I think that when I think about, for example, my judicial philosophy, it needs to be at the forefront that everyone deserves an opportunity to be heard. But important with that is the ability to objectively apply the law to the facts, and to run a courtroom with dignity and respect.

Also, another idea that it's important to be mindful of is that a lot of the people that appear in front of us are pro se. It's important to be able to use plain language. It's to be able to understand when they arrive at the court. I think all of those attributes are critical to be a good judicial officer.

Senator CARPER. Great. Thank you for that. Ms. Bouchet.

Ms. BOUCHET. Yes. My judicial philosophy is grounded in the principles of fundamental fairness, judicial integrity, neutrality, affording the parties who appear before me, a fair opportunity to be

heard, to make their arguments, to also apply the law faithfully and objectively to their cases, and to render timely decisions.

When parties appear before me who are unrepresented, I take the time to make sure that they are aware of the legal resources that are available to them so that they can make sound legal decisions as I am unable to provide counsel to them.

Senator CARPER. Thanks for those comments. Ms. Johnston.

Ms. JOHNSTON. Senator, to me, the proper role of a judge is to faithfully apply the law to the specific facts at hand, and to make sure to always do so with a dedication to the rule of law, with an open mind and impartiality, and with dignity and respect for all of the parties involved in the litigation process.

Senator CARPER. Good. Thanks. Mr. McKenzie.

Mr. MCKENZIE. Thank you, Senator. I think all of those attributes that you mentioned in the lead-up of your question are key.

People come to court because they cannot settle disputes or they have gotten into some sort of trouble, but they need to be recognized as humans and as people deserving of respect. I think judges being able to do that is very important.

Senator CARPER. Thank you. Mr. Truong.

Mr. TRUONG. Thank you, Senator. I share my fellow nominees' insightful observations. I would like to add that, if confirmed as a judge, I will commit to the ideals of impartiality, the ideals of fairness, and I will approach each case with an open mind, without prejudgment. I believe that is the ideals of judicial philosophy.

Senator CARPER. Yes. Thank you, Mr. Chair.

If I could have 10 more seconds there. I will never forget a conversation I had with one of the people I was interviewing for a judgeship in Delaware a long time ago. He invoked the golden rule. He said one of the jobs of a judge is to make sure that he or she treat other people in the courtroom the way they would want to be treated. I think for me, when I am trying to figure out what to do, I usually default to the golden rule, and I think in this case it's a pretty good guide as well.

Thanks, Mr. Chair. Thanks to all of you for your willingness to serve.

Chairman PETERS. Thank you, Senator.

Senator Marshall, you are recognized for your questions.

OPENING STATEMENT OF SENATOR MARSHALL

Senator MARSHALL. Thank you, Chair Peters, and welcome to our nominees this morning.

My first two questions are yes/no questions. We are limited on time. I hope you can give me a yes or no answer, and if you do not, I will have to interrupt you if it's a long one. The first one is, do you believe non-citizens are lawfully allowed to vote in the District of Columbia elections? Do you believe non-citizens are lawfully allowed to vote in District of Columbia elections? We will just go down the row here, Ms. Beatty-Arthur.

Ms. BEATTY-ARTHUR. I am not familiar with the case law that supports that, so I would not be able to give you an educated answer with that.

Senator MARSHALL. Ms. Bouchet.

Ms. BOUCHET. Yes, likewise. I am not aware of any law that gives them the authority to vote. Thank you.

Senator MARSHALL. OK. Ms. Johnston.

Ms. JOHNSTON. That is not an issue that I have studied, but if it were to come before me as a judge, I would certainly evaluate the relevant precedent to apply it to the facts at hand.

Senator MARSHALL. Mr. McKenzie.

Mr. MCKENZIE. I am not aware of any law rule in that regard, so I cannot say yes or no.

Senator MARSHALL. Mr. Truong.

Mr. TRUONG. Senator, similarly, I am not aware of the legal issues on that.

Senator MARSHALL. OK. The follow-up questions. Do you believe legal immigrants should be allowed to vote in DC elections? Maybe we will start this way and go backwards. Mr. Truong.

Mr. TRUONG. Thank you, Senator. Again, I am not aware of mandates or DC law on that issue, so I am unable to answer that question at this time.

Senator MARSHALL. Mr. McKenzie.

Mr. MCKENZIE. My decision on that, if it were to come before me, would be based on the law and controlling precedent. I am not aware of it as I sit here today.

Senator MARSHALL. Ms. Johnston.

Ms. JOHNSTON. I am not familiar with any law on that issue and would need to review that law before making a decision if it were to come before me as a judge.

Senator MARSHALL. Ms. Bouchet.

Ms. BOUCHET. As a sitting judge, I am not permitted to speak as to policy. If the law was in place and a case came before me, I would apply the law to the facts before me. Thank you.

Senator MARSHALL. Ms. Beatty-Arthur.

Ms. BEATTY-ARTHUR. Similarly, I am also a sitting judge, and I am precluded from making any assessments as to the appropriateness of that until it becomes a law.

Senator MARSHALL. My next question for Mr. McKenzie. This last October, a young person testified before the House Judiciary Committee about being the victim of an armed robbery on the streets of DC. The criminal responsible was sentenced to just one year in prison, despite the criminal having robbed six victims and two businesses.

After his release, the criminal went on to rob two more persons at gunpoint. I guess the bigger picture I am after here, Mr. McKenzie is, what kind of message does that send to criminals in DC, and if confirmed, will you be tough on sentencing for violent repeat offenders?

Mr. MCKENZIE. Senator, I believe as a father of three, a husband of one, public safety is a paramount issue. I am concerned about crime everyday living in the city. What I will commit to is, if I am confirmed to this position, I will take a look at the facts of the case, look at the law that applies, and I will impose a fair and just sentence as required by DC law.

Senator MARSHALL. Ms. Bouchet, would you answer that question, too? What kind of message does this send to criminals in DC,

and if confirmed, will you be tough on sentencing for violent repeat offenders?

Ms. BOUCHET. Crime and public safety are concerns of mine. I was a single mother with young children, so I appreciate the significance of it. I believe the role of the court to address crime and public safety is to adjudicate the criminal cases that are before them. I would, if confirmed as an associate judge, apply the standard guidelines pursuant to our criminal code.

Senator MARSHALL. I want to continue down this path of my personal concern about crime in DC. I am concerned when my family is here to walk more than a block or two from the Capitol. I am concerned about my staff walking, the safety of my staff, walking to and from the Capitol as well.

In 2023, here in DC, there were 274 homicides, 185 sexual assaults, 959 carjackings, 1,400 assaults with deadly weapons, 6,829 motor vehicle thefts. Just over the last 18 months, Members of Congress and their staff have been assaulted, carjacked, robbed, and stabbed.

This last October, the Senate Sergeant of Arms (SSA) put a bulletin out recommending that Senate staff drive with their windows up, to avoid traveling alone, in order to prevent getting carjacked in our nation's capital. Again, 7,000 car thefts last year. That's quite a few each day.

In January, 2023, the DC Council passed a bill that rewrote DC criminal code. It eliminated life sentences and got rid of a mandatory minimum sentencing for every crime other than first degree murder. Under this rewrite, the maximum penalty for any individual convicted of using a gun to commit an act of violence dropped from 15 to four years. I guess the question to all, if you have the time, several of you mentioned this; what is your level of concern for crime in the District, and what is your role in here? Maybe we will start with Mr. Truong and just go down if you got a second.

Mr. TRUONG. Thank you, Senator. As a father of a four-year-old daughter and a two-year-old daughter raising a family in Washington, D.C., the crime issue is a forefront issue in my family. However, if confirmed as a judge in D.C., I am committed to following the guidelines of the applicable laws and impose a just consequence when the case is presented to me.

Senator MARSHALL. Thank you Mr. McKenzie, you basically answered the question already, but anything to add?

Mr. MCKENZIE. No, Senator.

Senator MARSHALL. Good answer. Ms. Johnston, go ahead.

Ms. JOHNSTON. As a resident mother raising three young children here, I think the public safety in this city is one of the most important concerns for the district. If given the opportunity to serve as a judge on the DC Superior Court, my role would be to swiftly and effectively endeavor to resolve cases as quickly as possible so that the parties involved can have an appropriate resolution.

Senator MARSHALL. Ms. Bouchet, you answered parts of the question. Anything you would like to add?

Ms. BOUCHET. I would like to thank the Committee for having our nomination hearing. Our court needs more able bodies to quick-

ly adjudicate the criminal cases that come before it. I think that that is the most powerful tool that we will have to address public safety in the District of Columbia.

Senator MARSHALL. Ms. Beatty-Arthur.

Ms. BEATTY-ARTHUR. I am in complete agreement with my colleague, Judge Bouchet. That is the best way to assist, and I will shout it from the rooftop. I am very proud to be a native Washingtonian, but I would be absolutely remiss if I did not address the crime problem.

Chairman PETERS. Thank you.

Senator Lankford, you are recognized for your questions.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Thank you. Thank you to all of you.

It's a long process to get to this day. It's a long process past this day, as some of you have seen as well, and there's a lot that's engaged in this. I really appreciate you being here. I appreciate your families being here, and for all of you introducing your family, it's great to be able to see a very full room today with a lot of family members literally sitting behind you as I am sure they have been behind you a lot.

Mr. Truong, I am tempted to ask every one of my questions to you because of the smiling four-year-old over your shoulder that every time the camera comes on you, it's fantastic. You have no idea what's happening behind you, but it's awesome. You will get a chance to watch the video of it later. I am tempted to do that, but I am not going to ask you every single question on it, but you have been here before on that. Thank you for continuing to be patient as we go through this process.

Mr. TRUONG. Thank you, sir.

Senator LANKFORD. I really do appreciate that. For several of you that mentioned your faith, and your own personal journey, and your personal life, thanks for the transparency of that as well to be able to make that very clear.

A couple things that I want to just be able to bring up. Almost every one of you have either used the term or reaffirm that justice delayed is justice denied, and have talked about how quick you will move cases. That is one of the prime issues for me. It's not just that we have someone there. That if someone actually comes that—I will just say it, a lawyer who did not do their homework, does not get a slap on the wrist from the judge.

That the judge makes it very clear, we expect you to do your homework because I did my homework, and the client that you are representing needs justice and needs to be heard. Avoiding continuances. Almost all of you have mentioned, and I do appreciate that. I would tell you from our side of the dais, that's extremely important, and is one of the things that we would expect judges in the DC Court to actually do. Is to make sure that everyone does their job, to be able to make sure everyone has a fair day in court, and they have the opportunity to be heard.

All of you have also mentioned things about fairness to the individual. I would just reiterate. You did not have to say it, but let me make it clear. Fairness to the victim is also extremely important as well. To the potential victims that are on the street that

they also want to know that they are being treated fairly also in the process.

There is an expectation when people come before you, you are representing not only DC, but for the millions of visitors that come through DC. That they have an expectation that there are judges that are both not delaying cases, but they are also equally and fairly applying the law to be able to protect every person that's here, and to make sure everyone has their opportunity to be able to heard in court. I do appreciate those answers that several of you have already given on that.

I do need to drill down just to be able to clarify some things as we have gone through several issues with our staff. As we have talked through several things before on this, I want to drill down on a couple things. Ms. Arthur—by the way, I loved your opening statement on that. That was great. Introducing your family, and your faith, and the journey that you have had here. Getting a chance to be able to work down the hall from your husband will be an interesting journey as well on that. That will always be interesting; getting a chance to be able to talk cases over dinner and what actually happens next.

You had a statement that you made at one point that I wanted just be able to give you the opportunity to respond to. You were asked in a talk several years ago just about judicial activism, and in that talk, you made the statement, "I am certain that in some unwritten place, in the back of my mind, my race is affecting my decisions every day when I have cases that involve Black people."

So as a person, as just as an entity, I get that statement and that perspective. You also made the same statement about, "I did not really understand my blackness until I had a black son." Now, I have several black friends, and they talk openly on that journey with their sons and what is like, especially with law enforcement interactions.

I want to give you an opportunity to be able to talk about that. Because the reason I say that is if an Asian family is in front of you in your court, if a Hispanic family is in front of you in court, whoever it may be, I do not want that statement to sit in front of them to think; I cannot get a fair hearing because I am going to be treated differently than someone else in the court.

I am going to give you an opportunity to respond to that.

Ms. BEATTY-ARTHUR. Thank you, Senator. But I think what's important to note, and I do not recall the exact language I used at that talk, but I think what's important to note is that judicial activism is never appropriate in the courtroom.

The statement that I did not really understand, I think what you mentioned was the blackness until I had a Black son—

Senator LANKFORD. Right.

Ms. BEATTY-ARTHUR. I think it pushed it to the forefront, my discussion and thoughts, about being Black. But no matter what, when I wake up tomorrow, I will be a Black woman. That is still important to me, but who I am does not affect the how I handle my cases.

Between the Office of Administrative Hearings and the Superior Court, I have heard thousands of cases, and I push any thoughts or ideas about race to the side because every person that appears

in front of me has an important moment regardless of what their race or ethnicity is.

Judicial activism is inappropriate in the courtroom setting. I understand your question, but that's not who I am as a judge, and that's how I provide myself in the courtroom setting.

Senator LANKFORD. OK. That's fair. Thank you for that.

Mr. Bouchet, several Members that are sitting in front of me have had some political activity in the past and donations that they have done personally on that. You are one of the folks that's here that previous times, previous to being a magistrate judge, you have political donations.

How do you separate your politics from being on the bench and trying to say—everyone has a political perspective. Everybody does. How do you keep those two things separate when it is known what your political perspective is, but you are also sitting on the bench trying to be fair and equal?

Ms. BOUCHET. Thank you, Senator. Quite simply, I do not consult my personal feelings when I am on the bench. I have, as the deputy presiding magistrate judge, as a magistrate judge, for the past eight years, I have presided over more than 27,000 cases and party individuals from all parties have appeared before me.

My role is to consider the facts objectively, apply the law, and render a timely decision. That's what I have done as a magistrate judge. That is what I intend to do if I'm confirmed as an associate judge. Thank you.

Senator LANKFORD. OK. Thank you.

Ms. Johnston, Mr. McKenzie was asked a question earlier about a letter that he had signed onto in the past. By the way, there's a special place in heaven for sixth grade teachers. I just have to tell you that as a former youth pastor myself, there's no time in a boy's life more interesting than sixth grade. For teachers that teach sixth grade, that's an impressive time for you to engage on that.

Mr. McKenzie answered a question about a letter that he had signed onto earlier. You have a letter that you had signed onto right after the Dobbs decision. In that letter, it makes a statement. "The court has failed to uphold the promise, at the very core, the Constitution, the promise of liberty, dispassionate, fair, and equal treatment for all under the law."

Obviously, the court decision for the Supreme Court in the Dobbs decision was really not a decision about abortion so much as who should decide on that. It should that be in the court, or should that be in the legislature, States, Federal, whatever it may be?

I want to press down on this a little bit just on that perspective, because I understand personal perspectives on abortion. You and I probably have differences of agreement on that, but it's the statement about the Court has failed to uphold the promise of the Constitution when really the decision was about the Court should not decide this, the people should decide this. That's a different constitutional statement on it.

I want to give you the opportunity to respond to that.

Ms. JOHNSTON. Thank you, Senator. My personal views would not be a factor in my decisions as a judge, and I want to be very clear that Dobbs is the law of the land. As a judge, my role would

be to faithfully apply all binding precedent, including Dobbs, to any case that were to appear before me. That is what I would do.

Senator LANKFORD. I appreciate it. It's not an unknown statement on this, and I see them over time. I apologize. We have had issues, for instance, in Washington, D.C., where there were five children that were found, the bodies that were identified, that looks like it was from a late-term partial birth abortion, which is not legal in Washington, D.C. Those bodies were identified.

Then there's been this ongoing conversation about what's the follow-up. The abortion questions, not so much a question that's only Federal, or local, or State, or for the district, but it does come in criminal cases as well in trying to be able to figure out what to do in a case, as we saw several years ago in Philadelphia, where late-term partial birth, illegal abortions were being done, and they had to be able to follow through on that.

That could be a case coming before you as well.

Obviously, you are in Washington, D.C., and it will be important that the law is applied no matter what the law is based on what preferences are.

Ms. JOHNSTON. Yes. As a judge, I would be duty-bound to follow the law wherever it takes the case, and that is a duty I would take very seriously.

Senator LANKFORD. Great. Thank you.

Thank you, Mr. Chair.

Chairman PETERS. Thank you. I would like to thank all of our nominees for joining us here today, and for your willingness to take on these very important and challenging positions. The nominees have filed¹ responses to biographical and financial questionnaires,² and without objection, this information³ will be made part of the hearing record with the exception of the financial data,⁴ which is on file and available for public inspection at the Committee offices.⁵

The hearing record will remain open until 12 p.m. tomorrow, June 5th, for the submission of statements and questions for the record.

This hearing is now adjourned.

[Whereupon, at 11:19 a.m., the hearing was adjourned.]

¹The information on Ms. Beatty-Arthur appears in the Appendix on page 30.

²The information on Mr. Bouchet appears in the Appendix on page 56.

³The information on Ms. Johnston appears in the Appendix on page 79.

⁴The information on Mr. McKenzie appears in the Appendix on page 99.

⁵The information on Mr. Truong appears in the Appendix on page 129.

A P P E N D I X

**Chairman Peters Opening Statement As Prepared for Delivery
Full Committee Hearing: DC Judges
June 4, 2024**

The Committee will come to order.

Today, we are considering five nominees to be Associate Judges on the Superior Court of the District of Columbia: Sherri Beatty-Arthur, Rahkel Bouchet, Erin Johnston, Ray McKenzie, and John Truong.

Welcome to each of the nominees and to your friends and family members joining us today. Congratulations on your nominations and thank you for your willingness to take on the challenging role of a D.C. Superior Court Judge.

The D.C. Superior Court functions as the state-level trial court here in the nation's capital. The court handles some of the highest case volumes in the country and is strained further by extended vacancies on the bench. Every day, Judges on the Superior Court decide matters that impact the freedom, livelihoods, and safety of individuals and families across the District of Columbia.

Currently 13 of the 62 seats on the court are vacant – delaying cases and placing serious burdens on current judges. This Committee has advanced seven Superior Court nominees this Congress, but most are still waiting to be confirmed by the full Senate.

I am glad that we will be voting on two of these nominees later today: Tanya Jones Bosier and Judith Pipe. Both currently serve as Magistrate Judges on the Superior Court and have dedicated their legal careers to serving the people of the District of Columbia.

I urge my colleagues to join me in supporting these well qualified nominees – and I hope we will be able to fill the remaining vacancies on the court soon.

To the nominees here today, I look forward to learning more about your qualifications and plans for serving on the Superior Court bench.

**Opening Statement of Sherri Malloy Beatty-Arthur
Nominee to be an Associate Judge of the Superior Court of the District of Columbia**

Chairman Peters, Ranking Member Paul, and members of the Committee, I am humbled and honored to appear before you today as you consider my nomination to be an Associate Judge of the Superior Court of the District of Columbia. I would like to thank the Committee's staff for its time and dedication in preparing for this hearing.

I would like to thank President Joseph R. Biden for nominating me. I would also like to thank all the members of the District of Columbia Judicial Nomination Commission, especially its Chair, the Honorable Marie Johns, for recommending me to the White House and its former Chair, the Honorable Emmett Sullivan, for his continued support. I would also like to thank Chief Judge Anita Josey-Herring for her leadership and constant encouragement, and former Chief Judge Robert Morin for appointing me as a Magistrate Judge of the Superior Court in 2020.

I am proud to be a native Washingtonian and my education and career has been in Washington, D.C. or its nearby jurisdictions. But my story really begins in rural Alabama and North Carolina through my parents: Howard and Wynell. My father came to Washington after serving this country in the Air Force in the early days of Vietnam and my mother traveled here from Alabama the day after her graduation, seeking opportunities. My parents came here and made a good life for me and my brother, Tony. They taught us that if we worked hard in both school and in our professional lives, anything would be possible. Frankly, they gave up everything so that we could have everything. My dad passed away in 2001, but I continue to carry his many lessons with me especially about the importance of hard work. I would also like to thank my wonderful mother, Wynell Beatty, for her never-ending encouragement and for constantly championing the importance of my education.

I would like to thank my brothers Tony and Reggie; my in-laws Errol and Violet Arthur; my sisters-in-law Sheyna Arthur and Justine Jaquez; my brother-in-law Justin Jaquez; and my nephews Kevin, Isaiah, Jeromy and Jacob for cheering me on in all of my pursuits. And I must thank all of my friends who keep me in constant prayer.

I reserve a special thanks to my husband and best friend, the Honorable Errol R. Arthur. For 31 years, he has been a constant and unwavering support. Errol and I have walked together in our life-long pursuits in public service, and I wouldn't be here without him. I am also a proud mother of two spectacular children. I am joined by my son, Miles Arthur, who is a proud graduate of Morehouse College and my daughter Layla Arthur, who is a rising senior at Spelman College. I consider Miles and Layla to be my greatest accomplishments and my greatest blessings.

It has been an honor and privilege to serve at the Superior Court for the District of Columbia where I began my legal career as a student attorney with D.C. Law Students in Court almost 25 years ago. I began my career handling employment law cases at both the United State Department of Agriculture and at the United States Securities and Exchange Commission. After that I worked as a partner at Arthur & Arthur PLLC where I represented clients in family law matters, small business development and other civil matters. Thereafter, I served as the Director of Human Resources for the Public Defender Service for the District of Columbia. After that, I served as an

Administrative Law Judge at the District of Columbia Office of Administrative Hearings, where I heard thousands of cases in every jurisdiction including public benefits, unemployment compensation, public works, licensing and enforcement and rental housing. Since 2020, I have been a Magistrate Judge for the District of Columbia Superior Court where I have presided over thousands of cases in paternity and support, juvenile new referrals and in Abuse and Neglect.

It has been an honor to serve the citizens of Washington, D.C. throughout my career. I am humbled by this opportunity, and if confirmed to be an Associate Judge, I will continue to serve my community. I look forward to answering any questions you may have. Thank you.

REDACTED

**QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,
UNITED STATES SENATE**

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. Full name (include any former names used).

Sherri Malloy Beatty-Arthur
Sherri Malloy Beatty

2. Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).

I am a citizen of the United States.

3. Current office address and telephone number.

Superior Court of the District of Columbia
500 Indiana Avenue, N.W.
Chambers 4450
Washington, D.C. 20001
202-879-9979

4. Date and place of birth.

April 1, 1971; Washington, D.C.

5. Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

I am married to Errol Rajesh Arthur. My husband is an Associate Judge at the Superior Court of the District of Columbia located at 500 Indiana Avenue, NW, Washington, D.C. 20001.

6. Names and ages of children. List occupation and employer's name if appropriate.

Miles Rajesh Arthur, age 24. He graduated from Morehouse College in May 2022.

Layla Imani Arthur, age 20. She is a student at Spelman College.

7. Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.

University of Maryland University College, 2009 – 2011, M.B.A. awarded 2011.

Howard University School of Law, 1995 – 1998, J.D. awarded 1998.

University of Maryland, College Park, 1989 – 1995, B.A. awarded 1995.

La Reine High School, 1985 – 1989, high school diploma awarded 1989.

- 8. Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

2011 – 2016
University of Maryland, University College
3501 University Blvd East
Adelphi, MD 20783
Adjunct Professor

2002 – 2010
Prince George's Community College
301 Largo Road
Largo, MD 20774
Associate Professor

2007 – 2009
University of Maryland, College Park
3500 Campus Drive,
College Park, MD 20740
Lecturer

1994 – 1997
Phillips Flagship
900 Water Street, S.W.
Washington, D.C. 20024
Server

- 9. Honors and awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.**

Washington Bar Association, Judicial Council Service Award (2019 – 2020)

Washington Bar Association, Service Award (2019 – 2020)

Greater Washington Area Chapter of the Women's Bar of the National Bar Association,
Charlotte E. Ray Award (2018)

Charles Hamilton Houston Moot Court Competition Best Oralist Award (1996)

Olender Foundation, Earl H. Davis Memorial Prize for Outstanding Advocacy (1996)

10. **Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.**

None.

11. **Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.**

Superior Court of the District of Columbia
Member, Paternity and Support Proceedings Committee (2020 – 2022)
Member, Family Court Training Committee (2020 – present)
Co-Chair, Family Court Training Committee (present)
Member, Amenities and Misfortunes Committee (2021 – present)

Washington Bar Association Judicial Council
Chair (2018 – 2020)
Vice Chair (2016 – 2017)
Financial Secretary (2015 – 2016)

District of Columbia Administrative Law Judiciary
President (2016 – 2018)
Member (2014 – 2016)

Washington Bar Association
Member (2015 – 2021)

Friends of the Superior Court of the District of Columbia
Board Member (2012 – 2014)

12. **Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.**

Alpha Kappa Alpha Sorority, Inc.

Member (1992 – present)
Alpha Beta Upsilon Chapter, Secretary (2022 – present)

Alpha Kappa Alpha Sorority, Inc. limits membership to women. There are other male organizations in the Pan Hellenic Council of which Alpha Kappa Alpha Sorority, Inc is a member.

- 13. Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.**

State of Maryland, admitted June 1999.

District of Columbia, admitted June 2009.

- 14. Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.**

From September 1995 to May 1998, I served as Managing Editor for *The Barrister Newspaper* at Howard University School of Law. To the best of my recollection, I managed the staff and did not write any articles.

From January 1990 to May 1993, I served as a staff writer then Managing Editor for *The Black Explosion* at the University of Maryland, College Park. Copies of the articles I have been able to find are disclosed below.

A Proper Tribute, *The Black Explosion*, September 14, 1993. Copy supplied.

The Last Will and Testament of Sherri Beatty, *The Black Explosion*, April 28, 1993. Copy supplied.

Tracy Blizzard crowned Miss Black Unity, *The Black Explosion*, December 7, 1992. Copy supplied.

BE Breakdown, *The Black Explosion*, September 21, 1992. Copy supplied.

Personals, *The Black Explosion*, February 11, 1992. Copy supplied.

Protest Update. *The Black Explosion*, September 23, 1991. Copy supplied.

Amid Problems Track Team Fairs Well in ACC. *The Black Explosion*, April 3, 1991. Copy supplied.

Black Women's Council Bounces Back. *The Black Explosion*, February 26, 1991. Copy

supplied.

Students Express Concern About War. The Black Explosion, February 11, 1991. Copy supplied.

15. **Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.**

March 24, 2022: Panelist, “Women in Law: Views From Both Sides of the Bench,” hosted by the Greater Washington Chapter, Women’s Division of the National Bar Association, Washington, D.C. I have no notes, transcript or recording of the event, nor am I aware that they exist.

March 12, 2022: Speaker, “Interview with the Judge,” interviewed virtually by teenager Sarah Ramson about my path to the bench. Podcast recording available at: <https://chesempowersgirls.org/podcast>.

February 24, 2022: Panelist, “So You Want to Be a Magistrate Judge,” hosted by the Greater Washington Chapter, Women’s Division of the National Bar Association, Washington, D.C. I have no notes, transcript or recording of the event, nor am I aware that they exist.

April 7, 2016: Panelist, “Judicial Activism” Columbus School of Law at Catholic University, Washington, D.C. Recording available at: <https://www.youtube.com/watch?v=MTBEADSyEwk>.

16. **Legal career.**
 A. **Describe chronologically your law practice and experience after graduation from law school, including:**

- (1) **Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;**

I did not serve as a judicial law clerk.

- (2) **Whether you practiced alone, and if so, the addresses and dates;**

I have not practiced alone.

- (3) **The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.**

1997 – 1999
 United States Department of Agriculture
 1400 Independence Avenue, S.W.

Washington, D.C. 20250
Hearings Officer/Equal Employment Opportunity Specialist

1999 – 2003
United States Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549
Attorney

2002 – 2010
Prince George's Community College
301 Largo Road,
Largo, MD 20774
Associate Professor

2004 – 2010
Arthur & Arthur, PLLC
3617 14th Street, N.W.
Washington, D.C. 20010
Partner

2007 – 2009
University of Maryland, College Park
3500 Campus Drive,
College Park, MD 20740
Lecturer

2008 – 2010
District of Columbia Office of Employee Appeals
441 4th Street, N.W. Suite 450
Washington, D.C. 20001
Board Chairman

2010 – 2011
District of Columbia Office of Administrative Hearings
441 4th Street, N.W. Suite 450
Washington, D.C. 20001
Executive Director

2011 – 2019
University of Maryland, University College
Graduate School of Business
3501 University Boulevard
Adelphi, MD 20783
Adjunct Professor of Law

2012 – 2014
Public Defender Service for the District of Columbia
633 Indiana Avenue, N.W.
Washington, D.C. 20004
Chief of Human Resources

2012 – 2021
Howard University School of Law
2900 Van Ness Street, N.W.
Washington, D.C. 20008
Adjunct Professor

2014 – 2020
District of Columbia Office of Administrative Hearings
441 4th Street, N.W. Suite 450
Washington, D.C. 20001
Administrative Law Judge

2017 – present
Harvard Law School
Winter Trial Advocacy Workshop
1585 Massachusetts Avenue
Cambridge, Massachusetts 02138
Adjunct Faculty Member

2020 – present
Superior Court of the District of Columbia
500 Indiana Avenue, N.W.
Washington, D.C. 20001
Magistrate Judge

2022 – present
Georgetown University Law Center
600 New Jersey Avenue, N.W.
Washington, D.C. 20001
Adjunct Professor of Law

B. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.

After graduating from the Howard University School of Law in 1998, I served as a Hearings Officer and Equal Employment Opportunity Specialist with the United States Department of Agriculture (“USDA”) from 1998 to 1999. I analyzed discrimination claims and human resource complaints brought by agency employees. I also represented USDA before the Equal Employment Opportunity Commission. I drafted pre-hearing motions and discovery requests, made

recommendations on the proposed disposition of complaints, and developed resolution options.

In 1999, I joined the United States Securities and Exchange Commission (“SEC”) as an attorney-advisor and served in that role until 2003. During my tenure with the SEC, I advised division leaders on labor and employment issues, including with respect to hirings, firings, performance improvement plans, and discrimination allegations. In addition, I investigated human resource and discrimination complaints, deposed witnesses, analyzed comparative data, and drafted and issued investigative reports and final agency decisions.

In 2004, my husband, Errol R. Arthur, and I formed Arthur and Arthur P.L.L.C. (“Arthur & Arthur”). My practice primarily concentrated on family law, civil litigation, and small business development. Specifically, I represented clients in family law cases regarding divorce, child custody, and child support. I also advised clients in areas such as employment, minority business certification, business development, and human resource management. While at Arthur & Arthur, I served as a tenured professor in the Public Safety and Law Department of the Prince George’s Community College. I taught courses in Domestic Relations, Criminal Law, Business Law I and Business Law II to students seeking their Associate’s Degree.

In 2008, I was appointed as the Chief Executive Officer and Board Chair of the District of Columbia Office of Employee Appeals and served in that role until 2010. As Board Chair, I along with my fellow board members, reviewed administrative appeals from District of Columbia employees who had been either terminated or suspended without pay for ten days or more.

In 2010, I served as the Executive Director of the District of Columbia Office of Administrative Hearings and as Clerk of Court. I oversaw the legal and administrative staff, human resources, and information technology.

From 2012 to 2013, I served as the Chief of the Human Resources Division of the Public Defender Service of the District of Columbia (“PDS”). I served on an executive management team that provided oversight of all PDS operations. In this capacity, I assisted PDS’s leadership with hiring, recruitment, and employee development. I also advised PDS’s Director, Deputy Director, and General Counsel on labor and employment matters, best practices and responsiveness to claims brought by employees.

From 2014 to 2020, I was appointed as an Administrative Law Judge (“ALJ”) with the District of Columbia Office of Administrative Hearings. As an ALJ, I had jurisdiction over several matters, including: Department of Health, Department of Human Services (Temporary Assistance for Needy Families, Food Stamps and Shelter claims from the homeless), Unemployment Insurance, Department of Consumer and Regulatory Affairs, the Department of Health Care Finance, the

Health Benefits Exchange, the Taxicab Commission, and the Department of Public Works. I also served as a mediator for other ALJs who required mediator assistance.

Since 2020, I have served as a Magistrate Judge where I have been assigned to calendars for Parentage and Support, Juvenile Delinquency New Referrals in the Family Court and Abuse and Neglect. On Parentage and Support calendars, my duties included conducting evidentiary hearings, adjudicating paternity, evaluating evidence to calculate ongoing child support, and issuing written court orders including Findings of Fact and Conclusions of Law. For the Juvenile and Delinquency New Referrals calendar, my duties include presiding over initial hearings in juvenile delinquency matters; presiding over probable cause hearings; and determining placement and conditions of release pursuant to D.C. Code § 16-2313 and D.C. Superior Court Juvenile Rule 107. In Abuse and Neglect, I preside over abuse and neglect, adoption, guardianship, termination of parental rights and custody matters.

C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.

When I worked at the United States Department of Agriculture and later at the United States Securities and Exchange Commission (1998 – 2003), I represented the agency and its representatives in employment matters before the EEOC.

While in private practice at Arthur and Arthur, PLLC (2003 – 2010), my clients were diverse. I represented both mothers and fathers in custody matters. I represented small businesses and individuals challenging employment decisions.

At the Public Defender Service for the District of Columbia (2012 – 2014), my staff and I assisted all employees of the agency including executive management, staff attorneys, and administrative support staff with labor and employment issues. Specifically, I served on an executive management team that provided oversight of all PDS operations.

When I served as an Administrative Law Judge for the District of Columbia Office of Administrative Hearings (2014 – 2020), I had jurisdiction over matters involving: Unemployment Insurance, Public Benefits, Regulatory Affairs, Public Works, and Professional Licensing.

In my current role as a Magistrate Judge for the Superior Court of the District of Columbia, I have presided over the following calendars: Parentage and Support, Juvenile Delinquency New Referrals, Juvenile Behavioral Diversion Program Abuse and Neglect, and Family Treatment Court.

D. Describe the general nature of your litigation experience, including:

- (1) **Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.**

While employed at the U.S. Department of Agriculture, I appeared before the Equal Opportunity Commission on behalf the agency a few times per year.

While in private practice with Arthur & Arthur, I appeared in court in Maryland in family law matters a few times a month.

- (2) **What percentage of these appearances was in:**

- (a) **Federal courts (including Federal courts in D.C.);**

0 %

- (b) **State courts of record (excluding D.C. courts);**

70%

- (c) **D.C. courts (Superior Court and D.C. Court of Appeals only);**

1 %

- (d) **other courts and administrative bodies.**

29 %

- (3) **What percentage of your litigation has been:**

- (a) **civil;**

99 %

- (b) **criminal.**

1%

- (4) **What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.**

When I worked as a litigator, I handled approximately 20 cases that settled in advance of trial.

(5) What percentage of these trials was to

(a) a jury;

0 %

(b) the court (include cases decided on motion but tabulate them separately).

0 %

17. **Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case, (a) the date of representation; (b) the court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.**

1. *Merritt v. Dorsey* CAP04-18592 (Prince George's County Circuit Court, Maryland) (before the Honorable Judge Julia Weatherly).

I served as the attorney for a young mother who was seeking custody and support from a reluctant father. Initially, the father was unrepresented and was extremely difficult to work with, including through mediation, but I effectively advocated for the mother's needs despite the challenging circumstances. The mother prevailed and was awarded physical custody and joint legal custody. I represented the mother from September 2004 to August 2005.

Opposing Counsel:

Lisa Merchant
Merchant & Associates
14300 Gallant Fox, Suite 103
Bowie, MD 20715

2. *Ballesteros v. Mitchell* CAD 0714943 (Prince George's County Circuit Court, Maryland) (before the Honorable Judge Julia Weatherly).

I served as a pro bono attorney in this case, from June 2007 to June 2008. I represented a young mother in a claim for custody and child support in Maryland where the defendant-father was completely uninterested in parenting his child and the defendant's

parents were threatening to sue my client for visitation rights if she did not follow their wishes. I helped my client work through guilt, frustration, and sadness at the fact that she had kept her child away from his grandparents during the pendency of the proceedings.

On the eve of trial, after months of preparation, my client was awarded sole physical custody. The Court also imposed child support obligations on the defendant.

Opposing Counsel:

Steve Rosen
Abramoff Neuberger, LLP
4603 Calvert Road
College Park, MD 20740
(301) 609-1400

3. *Ware v. Ware* CAD 070223 (Prince George's County Circuit Court, Maryland) (before the Honorable Judge Dwight Jackson).

I served as lead counsel in a contentious divorce case, from January 2007 to October 2007. I represented a man seeking an absolute divorce from his wife and custody of his child. This case was complex and the defendant, who initially proceeded pro se, had severe mental health problems. Because of the defendant's condition, my client feared for his young daughter's safety during visits.

When the case began, when the case began my client and the defendant struggled to communicate cooperatively. As such, he was not able to see his daughter at all. My client and I also spoke with a counselor, who assisted us in handling concerns regarding the minor child's safety. I also spent a considerable amount of time preparing for a trial. In so doing, I prepared cross examinations of the defendant, and conducted extensive research as to best practices in dealing with witness with mental health concerns. Ultimately, the defendant hired counsel and the case proceeded to a successful conclusion via settlement prior to trial.

Opposing Counsel:

Carlotta Woodward
Chief, Juvenile Court Division (formerly with The Law Offices of Carlotta Woodward)
Montgomery County State's Attorney's Office
50 Maryland Avenue, 5th Floor
Rockville, MD
(240) 777-7499

4. *Roz v. Roz* Case Number CAD 07-05047 (Prince George's County Circuit Court, Maryland) (before the Honorable Judge Maureen Lemansy).

I represented a young mother of twins in a custody and support matter in Prince George's County, Maryland, from November 2007 to January 2008. My client was

seeking assistance from the children's father but she was concerned that he would flee out of the country with their minor children.

This case required multiple hearings and client counseling sessions. Additionally, because the defendant appeared pro se and the case involved a great deal of negotiation, I had to modify the way I interacted with the defendant. I negotiated a settlement on behalf of my client, who achieved the result she desired.

5. *Turner v. Rouse* CAD05 – 18574 (Prince George's County Circuit Court, Maryland) (before the Honorable Judge Julia Weatherly).

I represented a man in his claim for shared custody and child support in Prince George's County, Maryland, from September 2005 to June 2006. My client sought to establish a stable relationship with his child and to provide appropriate monetary support. However, the minor child's mother would not allow him to visit with his daughter on a regular basis, or for an extended period. I repeatedly offered alternative visitation schedules to no avail. By the time the case reached the trial stage, the Court ultimately awarded my client joint custody.

Opposing Counsel:

Laureen Mullins
Law Office of Laureen J. Mullin
12409 Garden City Parkway
Laurel, MD 20772
(301) 567 - 8278

18. **Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

Since October 2015, I have been a member of the Washington Bar Association's Judicial Council where I have served in many capacities, including as Financial Secretary, Vice Chair and Chair. These positions allowed me to serve the judicial community by providing programming and collaboration with members in Washington, D.C.

Since 2002, I have served as a professor at several universities, including as a visiting faculty for Harvard Law School's Winter Trial Advocacy Workshop. For one week, I along with other volunteer trial attorneys and judges assist in teaching law students all aspects of trial practice including opening statements, development of witness testimony on direct and cross examination, use of illustrative aids and exhibits in evidence, impeachment, expert testimony and summations. My fellow faculty members and I also evaluated and critiqued the students during simulated exercises. Moreover, at the end of the week-long session my colleagues and I presided over mock trials.

19. **Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.**

In July 2020, I was appointed as a Magistrate Judge in the Superior Court of the District of Columbia. Since my appointment, I have been assigned to Parentage and Support, Juvenile New Referrals/Juvenile Behavioral Diversion Program and Abuse and Neglect/Family Treatment Court.

- A. **List all court decisions you have made which were reversed or otherwise criticized on appeal.**

I have never been reversed or otherwise criticized on appeal.

20. **Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).**

No.

21. **Political activities and affiliations.**

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

I was nominated by Mayor Adrian Fenty in or around February 2008 and confirmed by the Council of the District of Columbia in April 2008 as Board Chairman for the Office of Employee Appeals. I served in the position until June 2010.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

I have not had any memberships, held any offices, or rendered services to any political party or election committee in the last 10 years.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of \$50 or more.**

I have not made any political contributions in the past 5 years.

22. **To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.**

No.

- 23. Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.**

No.

- 24. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

No.

II. POTENTIAL CONFLICTS OF INTEREST

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

I severed all connections with my former employer, and any business firms, associations and organizations when I was appointed as a Magistrate Judge.

2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

I have no financial arrangements, deferred compensation, agreements, or continuing dealings with any law firm, business associations or clients.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

I have no investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest if I am confirmed.

4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**

I have had no business relationships, dealings, or financial transactions in the last ten years, for myself, on behalf of a client or as an agent that could in any way constitute or result in a possible conflict of interest.

5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

I have not engaged in any activity with the purpose to directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.

6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

Besides teaching, I have no plans, commitments, or agreements to pursue outside employment during my service as a judge.

7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three**

(3) copies of any trust or other relevant agreements.

I have no potential conflicts of interests that I need to resolve. If the conflict arises, I will turn to the District of Columbia Code of Judicial Conduct and any other applicable sources to resolve the conflict of interest.

8. If confirmed, do you expect to serve out your full term?

Yes.

III. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

IV. DISTRICT OF COLUMBIA REQUIREMENTS

Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section 11 - 150 1 (b), as amended.

1. **Are you a citizen of the United States?**
Yes.
2. **Are you a member of the bar of the District of Columbia?**
Yes.
3. **Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.**
Yes. June 2009.
4. **If the answer to Question 3 is “no” --**
 - A. **Are you a professor of law in a law school in the District of Columbia?**
 - B. **Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**
 - C. **Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**
 - D. **Upon what grounds is that eligibility based?**
5. **Are you a bona fide resident of the District of Columbia?**
Yes.
6. **Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.**
Yes. My address since 1999 is [REDACTED] **REDACTED**
7. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?**
No.

8. **Have you been a member of either of these Commissions within the last 12 months?**

No.

9. **Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

Please see attached.

AFFIDAVIT

Sheri Beatty-Arthur being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Sheri Beatty Arthur

SUBSCRIBED and SWORN TO before me this _____ day of _____ 2024

Notary Public



City/County of Charles
State of Maryland
Subscribed and sworn to before me
this 27th day of March 2024
by S.A. Kelley
Notary Public
My commission expires 9/22/2025



Senator Josh Hawley
Post-Hearing Questions for the Record
Submitted to Sherri Beatty-Arthur

**Nominations of Sherri Beatty-Arthur, Rahkel Bouchet, Erin Johnston, Ray McKenzie, and
John Truong, to be Associate Judges, Superior Court of the District of Columbia**

Tuesday, June 4, 2024

1. You have previously written that “[i]t is a shame that African-Americans are exploited daily and we sit by and do nothing about it.”¹

- a. What did you mean by this statement?

This statement appeared in an article written more than 30 years ago while I was an undergraduate student at the University of Maryland. As best I can gather and recall, it was made to encourage African-Americans to get involved in the community and to exercise their right to vote.

- b. Does this statement reflect your current views?

This article was written more than 30 years ago while I was an undergraduate student at the University of Maryland. While I still believe that all citizens should exercise their right to vote, the statement was unartfully written and, as drafted, does not reflect my current views.

2. You have also stated that “I come to work and I cannot take off my race. I cannot take off my experience. I cannot change any of that. And I am certain in some unwritten place in the back of my mind it’s affecting my decisions every day.”²

- a. What did you mean by this statement?

This statement was unartful, and I appreciate the opportunity to clarify. I meant to convey that diversity on the bench is important, and through my own personal experiences—for example, as a child of parents who attended racially segregated schools—I have developed an appreciation for the notion that some people do not trust that our legal system will treat them fairly. When I take the bench, I make decisions about how to treat litigants with that in mind. Immediately after making the above statement, I gave the example of a time during a proceeding when I paused discussion of the merits of the matter to make sure that I could correctly pronounce a litigant’s name. I make choices like that one each day to ensure that all litigants who appear before me know that they have been heard and treated with respect and dignity in my courtroom. However, no personal experience or characteristic has ever affected the outcome of my judicial decisions, which is most apparent from the fact

¹ *BE Breakdown*, The Black Explosion, September 21, 1992.

² “Judicial Activism” Panel at Columbus School of Law at Catholic University, Washington, D.C., April 7, 2016.

that, in my four years as a Magistrate Judge for the D.C. Superior Court, I have never had a decision reversed by a reviewing court.

- b. Do you believe your race has any bearing on how you adjudicate cases?

No. No personal experience or characteristic has any bearing on how I adjudicate cases. Rather, I reach decisions by fairly and impartially applying the law to the facts before me. The best evidence of my fidelity to the law is the fact that, in my four years as a Magistrate Judge for the D.C. Superior Court, I have never had a decision reversed by a reviewing court.

- c. If confirmed, do you commit that you will not consider the race of any litigant who appears before you?

Yes. In my four years as a Magistrate Judge for the D.C. Superior Court, I have never considered any personal characteristic of any litigant who has appeared before me and, if confirmed, I commit that I will continue that practice and will not consider the race or any other personal characteristic of any litigant who appears before me.

3. If confirmed to this position, what would be your approach toward sentencing an individual convicted of a child pornography offense?

If confirmed, I would apply the appropriate District of Columbia statutory guidelines provided in the District of Columbia Criminal Code which provides the applicable guidelines for the appropriate sentence.

4. Do you believe America is a systemically racist country?

I do not have a personal definition of "systemically racist," and I understand that term to mean different things to different people. If a claim of race discrimination came before me in my courtroom, I would carefully study the law and apply it fairly and impartially to the facts before me. As a sitting judge, I am bound by District of Columbia Code of Judicial Conduct which states that I must be judicially impartial and maintain public confidence in the judiciary. Under Rule 2.10 and Rule 4.1, I am precluded from stating any personal opinions I could hold on any issues that may come before me.

5. In the course of considering your candidacy for this position, has anyone at the White House or Department of Justice asked for you to provide your views on:

- a. *Roe v. Wade*, 410 U.S. 113 (1973)?

No.

- b. The Supreme Court's substantive due process precedents?

No.

c. Systemic racism?

No.

d. Critical race theory?

No.

Opening Statement of Rahkel Bouchet
Nominee to be an Associate Judge of the District of Columbia Superior Court

Mr. Chairman and distinguished Members of the Committee. Thank you for this opportunity to appear before you as you consider my nomination to be an Associate Judge of the District of Columbia Superior Court. I am deeply grateful, humbled, and honored to appear before you. I would also like to express my sincere appreciation to the Committee members and dedicated Committee staff for considering my nomination.

I would like to thank the District of Columbia Judicial Nomination Commission – particularly its former chair, Judge Emmet Sullivan – for recommending me to the White House, and I am grateful to President Joseph R. Biden, for nominating me for this position. I want to thank Chief Judge Anita Jossey-Herring for her support and leadership.

I am grateful to God for being here and I would like to begin by introducing my family: my mother, Atty. Margo Bouchet, upon whose shoulders I stand, for her guidance, love, and support. As a single mother, she gave me the foundation of faith and taught me to be a woman of integrity, to work hard, and to strive for excellence. I want to acknowledge my maternal grandmother, Alma Pearl Rivero, the matriarch of my family, who passed away in December 2020. I am proud that she witnessed my appointment to the bench as a Magistrate Judge and I know she is here in spirit. I want to acknowledge my children, Dominique Jackson, a third-generation graduate from my alma mater, Howard University, who just completed her first year at Howard University College of Dentistry, and Stephen Jackson, a rising junior at Morehouse College. I was a single mother during their formative years, and they have been my reason for being and my greatest source of joy and pride. I must thank my wonderful husband, Eddie Fontno, for his unwavering support and unconditional love. Thank you for being an amazing husband and father. I also want to acknowledge my bonus daughters, Erinn and Laurynn Fontno, who have lovingly accepted me as a bonus to their lives as well. I hope this moment is a testament to all my children as to what is possible when you walk in faith and refuse to accept limitations for yourself. I want to acknowledge my big brothers, Tony and Terry Williams, my Godparents, Thomas and Mary Leonard, and all of my extended family, who have supported me over the years. I am here today because of the love and support of my family and friends. I must also acknowledge Atty. Gregory Copeland, whose advice and counsel set me on a course that led to this moment.

I must acknowledge former Chief Judge Lee Satterfield, for giving me the opportunity to serve as a Magistrate Judge and former Chief Judge Robert Morin for encouraging me to apply for this position. I want to acknowledge my court family, in particular, my Magistrate Judge colleagues; without them, Superior Court would grind to a halt. I would be remiss if I did not acknowledge our judicial administrative assistance in Magistrate Judge's chambers, law clerks, and my colleagues on the bench who have mentored and supported me throughout my career.

I was born in Los Angeles, California, and initially moved to the District of Columbia to follow in my mother's footsteps and attend Howard University and Howard University School of Law. In 2007, I returned to the District of Columbia to start my private practice, appearing primarily in the D.C. Superior Court. During my years as a sole practitioner, I represented the District's most

vulnerable families. I also had the honor of Supervising the Child Welfare/Family Justice Clinic at Howard University School of Law, overseeing talented law students and helping to shape them into lawyers. In 2016, I was appointed as a Magistrate Judge with the D.C. Superior Court and I have had the honor of presiding over many of the District's high-volume courtrooms in the Family, Domestic Violence, Civil, and Criminal divisions, with the necessary humility and integrity to ensure the law is upheld and that litigants have a fair and just experience.

I am confident I am well equipped to take on the added responsibility of being an Associate Judge because I bring my diverse experience as a litigator and Magistrate Judge. Thank you for considering my nomination.

REDACTED

**QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA
COURTS COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL
AFFAIRS, UNITED STATES SENATE**

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. Full name (include any former names used).

Rahkel Bouchet (current name)
Rahkel Bouchet Jackson (married name)
Rahkel Jackson (married name)
Betti-Rahkel Bouchet Williams (birth name)

2. Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).

I am a citizen of the United States.

3. Current office address and telephone number.

Superior Court of the District of Columbia
Magistrate Judge Chambers 4450
500 Indiana Avenue, NW
Washington, D.C. 20001
(202) 879-9965

4. Date and place of birth.

September 19, 1973
Los Angeles, CA.

5. Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

I am married to Eddie Fontno who works as a Provisioning Engineer at Comcast Cable Corporation. His business address is 112 West Park Drive, Mount Laurel, NJ 08054.

6. Names and ages of children. List occupation and employer's name if appropriate.

Dominique Danielle Jackson, age 23; student.
Stephen Wayne Jackson, II, age 19; student.
Erinn Elease Fontno, age 28 (step-daughter); Agile Delivery Lead at Vidsy.
Laurynn Ashley Fontno, 24 (step-daughter); Human Resources Coordinator at Public Health LLC dba Heartbeat.

7. Education. List secondary school(s), college(s), law school(s), and any other

institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.

Howard University School of Law, 1994 – 1997, J.D., awarded May 1997.

Howard University, 1990 – 1993, B.A., *cum laude*, awarded December 1993.

- 8. Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

2021 – Present
22 Narragansett Ave, LLC
22 Narragansett Ave
Oak Bluffs, MA 02557
Member

1998 – 2006
Two Four Enterprises, Inc. (no longer operational)
2968 Holly Hall
Houston, TX 77054
Co-Owner

2004 – 2006 (estimate)
Sunjak Property Management Co., LLC
2968 Holly Hall
Houston, TX 77054
Member

- 9. Honors and awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.**

None.

- 10. Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.**

22 Narragansett Ave, LLC
Member/Co-Owner (2021 – present)

Sunjak Property Management Co., LLC
Member (2004 – 2006)

Transformation Investments, LLC
Member (2004 – 2006; to the best of my recollection)

Two Four Enterprises, Inc.
Co-Owner (1998 – 2006)

Transformation Investments, LLC and Sunjak Financial were legally formed in anticipation of a mortgage broker business I did not pursue. I was named as the managing member of both entities, however, neither entity was ever operational.

11. Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.

Greater Washington Area Chapter Bar Association
Member (2023 – present)

District of Columbia Bar Association
Member (2009 – Present)

Washington Bar Association
Member (2017 – 2017; renewed membership in 2024)

National Bar Association
Member (2000 – Present)
Vice-Chair, Alternative Dispute Resolution Section (2008 – 2010)
Board of Directors, Women's Division (2006 – 2008)
Treasurer, Region XII (approximately 2000 – 2002)

Women's Bar Association
Member (2015 – 2016)

Counsel for Child Abuse and Neglect Trial Lawyers Association
Member (2009 – 2015)

American Bar Association
Member (2008 – 2010)

Texas Bar Association
Member (1998 – 2009)

12. Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other

organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.

Mocha Moms, Reston Chapter
Vice President (2005 – 2006)

Off the Field, NFL Wives' Association
Board of Directors (2000 – 2006)

Howard University Law Alumni Association
Vice President (approximately 2000 – 2002)

Candlelight Trails I Association
Board of Directors (1999 – 2000)

Off the Field restricts its membership to the spouses of active and retired NFL players; otherwise, none of the organizations formerly discriminated or currently discriminate based on the basis of race, sex, or religion.

- 13. Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.**

District of Columbia, admitted in October 2007.
State of California, admitted in August 2015 (inactive).
State of New York, admitted in 2003 (exact date unknown).
State of Tennessee, admitted in 1998 (exact date unknown) (inactive).
State of Texas, admitted in November 1998.

My membership in the District of Columbia Bar temporarily lapsed from April 3 through April 7, 2008 because my dues were not timely paid. I was admitted to practice law in the District of Columbia in October 2007 and was unaware that my license required renewal 6 months later. I do not recall receiving the notice in the mail. Upon discovery that my dues were outstanding, I paid the dues, and my license was immediately reinstated. Similarly, my membership in the Tennessee Bar temporarily lapsed in 2012 because my dues were not timely paid. Finally, my membership in the New York Bar temporarily lapsed in 2017 because my dues were not timely paid. Due to the press of business and managing my responsibilities as a single mother of two minor children with busy schedules, these were administrative oversights.

- 14. Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.**

Rahkel Bouchet, *Legal Advice on Foreclosures*, Washington Informer (November 20 - 26, 2008). Copy supplied.

15. **Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.**

None.

16. **Legal career.**

- A. **Describe chronologically your law practice and experience after graduation from law school, including:**

- (1) Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;**

I have never served as a judicial law clerk.

- (2) Whether you practiced alone, and if so, the addresses and dates;**

1998 – 2006

The Law Office of Rahkel Jackson

Sole Practitioner

I often used my former home addresses or virtual office addresses. Due to the passage of time, I am unable to recall the addresses.

2008 – 2015

The Bouchet Jackson Law Firm/The Bouchet Law Firm

Sole Practitioner

601 Pennsylvania Avenue NW

Washington, D.C. 20004

- (3) The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.**

1998

Eva Lemeh, Chapter 7 Tennessee Bankruptcy Trustee

4300 Eatons Creek

Nashville, Tennessee 37218

Counsel

2007

Seneca One LLC

7920 Norfolk Avenue

Bethesda, Maryland 20184
In-House Counsel

2013 – 2015
Howard University of Law
2900 Van News Street, NW
Washington, D.C. 20008
Clinical Supervising Attorney

2015 – Present
Superior Court of the District of Columbia
500 Indiana Avenue, NW
Washington, D.C. 20001
Magistrate Judge

B. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.

From 1997 to 2008, I had a varied law practice, which included real estate matters and general counsel representation for small business. The nature of my practice did not lend itself to court appearances.

I started my D.C. private practice in 2008; shortly thereafter, in 2009, I was appointed to the Counsel for Child Abuse and Neglect (CCAN) panel and my court appearances in the Superior Court of the District of Columbia increased. In 2009, I was appointed to the District of Columbia Criminal Justice Act Appellate (DCCA) panel and argued before the D.C. Court of Appeals in January and May 2015. In 2010, I was appointed to the CJA provisional panel and my appearances in the Superior Court included criminal matters.

I joined the faculty at Howard University Law School in 2013 as the Supervising Attorney for the Child Welfare/Family Justice Clinic. My areas of concentration were family law, criminal and appellate matters. I supervised and managed students through all aspects of litigation from inception through case completion.

In 2015, then-Chief Judge Lee F. Satterfield appointed me as a Magistrate Judge. In 2017, I was appointed the Presiding Judge of the Family Treatment Court, a specialty court for parents and caretakers with substance abuse disorders. In January 2024, I was designated Deputy Presiding Magistrate Judge.

C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.

Prior to my appointment to the bench, I was a sole practitioner, with a focus on family and criminal law. In addition to my private practice, I was a member of the CCAN panel and represented parents accused of abuse and neglect and caretakers

pursuing adoption, guardianship, and custody. I was also a member of the CJA provisional and DCCA panels. As a member of the CJA provisional panel, I litigated misdemeanor and traffic offenses in the D.C. Superior Court. As a member of the DCCA panel, I handled felony and misdemeanor appeals. Finally, for two years—from 2013 to 2015—I supervised Howard University School of Law students who represented individuals involved in the child welfare system.

Currently, I am the Deputy Presiding Magistrate Judge, and I am assigned to the Criminal Division. I preside over Traffic Arraignments, Domestic Violence, Temporary Protection, and Temporary Anti-Stalking cases. In 2016, I presided over Paternity and Support cases. In 2017, I was the Presiding Judge for the Family Treatment Court with the D.C. Superior Court. In 2018, I presided over the Small Claims calendar in the Civil Division. In 2019, I presided over Mental Habilitation matters in the Family Division of the D.C. Superior Court. From 2020 to 2023, I was assigned to the Civil Division and presided over Landlord and Tenant, Small Claims, Debt Collection, Insurance Subrogation, Tax and Mortgage Foreclosure, and Housing Conditions cases.

D. Describe the general nature of your litigation experience, including:

(1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.

I was appointed as a Magistrate Judge in January 2016. Before my appointment, from 2009 to 2015, I appeared in court at least four days a week. My legal practice before 2009 did not involve many court appearances.

(2) What percentage of these appearances was in:

(a) Federal courts (including Federal courts in D.C.);

1% (one case)

(b) State courts of record (excluding D.C. courts);

1%

(c) D.C. courts (Superior Court and D.C. Court of Appeals only);

98%

(d) other courts and administrative bodies;

0%

(3) What percentage of your litigation has been:

(a) civil;

90%

(b) criminal;

10%

(4) What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.

Before 2008, my practice did not involve matters tried to verdict or judgment. After 2008, I tried to judgment approximately 75 to 100 cases. In two of the cases, both of which were felony matters, I was associate counsel. In the remaining cases, I was sole counsel.

(5) What percentage of these trials was to

(a) a jury;

1%

(b) the court (include cases decided on motion but tabulate them separately);

99%

17. Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case, (a) the date of representation; (b) the court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.

1. M.R. v. J.T., 2011 CPO 00071x (before Honorable Brian Holeman; retired)

In 2011, I represented M.R., at her civil protection order (CPO) trial after the D.C. Court

of Appeals determined that the trial court erred in denying M.R.'s 2009 CPO petition. The Court of Appeals determined that M.R. presented sufficient evidence, in 2009, for the trial court to find that Respondent, J.T. committed an intrafamily offense against M.R. The case is significant because of the legal issues presented, specifically intrafamily offenses, and the D.C. Court of Appeals reversal of the lower court's ruling. Due to the sensitive nature, I am sanitizing some case-specific information.

Opposing Party:

J.T., pro se
1445 Otis Place, NW
Washington, D.C. 20010
(202) 664-7407

2. Darius Winston v. United States, 2013 CM 1463 (D.C.) & 13 CM 1464 (D.C.) (before Judge Thompson, Judge Beckwith, Judge Nebeker)

I successfully represented the Appellant, Darius Winston, who was convicted of two counts of Unlawful Entry. This case concerned the issue of violating a barring notice. I challenged the convictions on the ground that there was insufficient evidence to support the validity of the barring notice. The Court of Appeals agreed. The convictions were reversed, and the matter was remanded for the trial court to enter judgments of acquittal on the two unlawful entry charges. The Court decided this matter without oral argument.

Counsel for the United States:

Rockne Chickinell
Special Assistant U.S. Attorney, Appeals
U.S. Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C.
(202) 252-6784

3. Martin v. Abdul-Qawwee, 13 FM 713 (D.C. Super. Ct. 2013) (before Judge Puig-Lugo); Abdul-Qawwee v. Martin, 12 DRB 652 (D.C. 2015) (before Judge Fisher, Judge Blackburne-Rigsby, Judge Steadman)

At the trial and appellate levels, I successfully represented a biological father in seeking custody of his minor children. The Associate Judge awarded the biological father legal custody and shared physical custody of the minor children. The biological mother appealed, and the Court of Appeals affirmed the Associate Judge's decision. The matter was decided by the Court of Appeals without the presentation of oral argument. Following the Court of Appeals decision, the biological mother filed a motion to modify the custody order. The case was then transferred to Howard Law School's Child Welfare Clinic. Clinical law students participated in a two-day contested custody trial, under my direct supervision. The Associate Judge awarded our client legal and physical custody, with weekend visitation rights to the mother. I was sole counsel during the first trial and on appeal. Law students litigated the second trial under my direct supervision.

Defendant's Counsel:

Patricia Spicer
1 West Rosemont Avenue
Alexandria, Virginia 22301
(703) 519-1761

4. United States v. Leopauldo Parker, 2013 CMD 1153 (D.C. Super. Ct.) (before Judge Susan Winfield)

I served as sole counsel for the defendant. This case concerned allegations of constructive possession of a controlled substance. Upon the Government's failure to outline a factual basis which established the requisite elements, I moved for a Judgment of Acquittal. The Court agreed and granted my Motion for Judgment of Acquittal on October 8, 2013.

Counsel:

Lindsey Merikas
Assistant United States Attorney
555 Fourth Street, NW
Washington, D.C. 20001
202-252-6784

5. Storey v. Davis, 2012 DRB 2103 (D.C. Super. Ct.) (before Judge DiToro)

This case concerned a fairly complicated divorce and custody action, which also involved allegations of domestic violence. This action involved several motions, extensive discovery, and successive opposing counsel, which resulted in a multi-day trial. I represented Respondent Davis as sole counsel. On April 24 and 25, 2013 the Court issued findings granting the parties shared legal and physical custody of the minor child.

Defendant's Counsel:

Jackson Doggette
Counsel 1
1629 K Street, NW
Suite 300
Washington, D.C. 20006
(202) 470-3515

Gail Landau
Counsel 2
11300 Rockville Pike
Rockville, Maryland 20852
(301) 984-5600

18. **Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve**

litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).

My most significant legal activity was training future litigators at Howard University's Law School. In June 2013, I joined the faculty at Howard University School of Law as the Supervising Attorney for the Child Welfare/Family Justice Clinic, which represents parents accused of abuse and neglect in the District of Columbia and caretakers pursuing adoption, guardianship and custody of minor children involved in the D.C. foster care system. My responsibilities included syllabus creation, in-class instruction, supervising students in-court and reviewing and evaluating their work product. This was an extremely rewarding legal activity. Many of my former students are now practicing litigators, with their own successful law firms.

- 19. Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.**

I was appointed to the bench as a Magistrate Judge in January 2016. In 2016, I presided over Paternity and Support Cases in the Family Division of the D.C. Superior Court. In 2017, I was the Presiding Judge of the Family Treatment Court with the D.C. Superior Court. I also presided over abuse and neglect matters. In 2018, I presided over the Small Claims calendar in the Civil Division. In 2019, I presided over Mental Habilitation matters in the Family Division. In 2020, I returned to the Civil Division and presided over Landlord and Tenant, Small Claims, Debt Collection, Insurance Subrogation, Tax and Mortgage Foreclosures, and Housing Conditions cases. I was assigned to the Civil Division until December 2023. In January 2024, I was designated the Deputy Presiding Magistrate Judge and assigned to the Criminal Division. Currently, I preside over Traffic Arraignments, Domestic Violence, Temporary Protection, and Temporary Anti-Stalking cases.

- A. List all court decisions you have made which were reversed or otherwise criticized on appeal.**

Maryland v. RW, D.C. 194 A3d 374 (D.C. 2018). In 2004, an order of the D.C. Superior Court adjudicated R.W. the legal father of a minor child. However, in 2008, genetic testing pursuant to a Maryland custody and support case excluded R.W. as the child's natural father. Subsequent proceedings in Maryland and District of Columbia courts did not clarify the child's paternity or resolve the conflicting orders. In 2016, the District of Columbia filed an action (later litigated by the mother on her own behalf) involving both R.W. and another prospective father, L.P., seeking to vacate the 2004 paternity order, establish paternity, and seek child support from L.P. Following a hearing, I dismissed the cases against both L.P. and R.W. on the grounds that neither R.W. nor the child's mother had acted with the diligence and expedience required to have the 2004 paternity order vacated and no extraordinary circumstances justified their 12-year delay in seeking

redress. Associate Judge Julie Becker affirmed my decision. However, the D.C. Court of Appeals later vacated the order and remanded for further proceedings, finding that the Superior Court failed to consider certain hardship factors.

Alston v. CBC Entity, 22 SC3 827. In 2022, I entered judgment in favor of the Defendant during an Ex Parte Proof hearing because I was not persuaded that the Plaintiff established any monetary damages and found there was no evidence of neglect on the part of the Defendant. On review by Associate Judge Anthony C. Epstein, the case was remanded because the entry of a default resolved the issue of Defendant's liability and I was directed to address the issue of damages. The case was certified to another magistrate judge for the remand because I was assigned to another division and calendar.

Sim Development, LLC v. District of Columbia Department of Consumer Affairs, et al., 17 CA 8142 L(RP). This case involved the impact of the Superior Court's pandemic-related Emergency Order on timelines governing payments necessary to complete the purchase of real property at a tax sale. In 2021, I determined that the one-year deadline set forth under D.C. Code § 47-1382(f) fell under the purview of the executive branch and was thus not impacted by the Chief Judge's Emergency Order. On review by Associate Judge Todd Edelman, the case was remanded for further proceedings to determine if the movant was entitled to equitable relief under Rule 60(b). The case was certified to another magistrate judge for the remand because I was assigned to another division and calendar.

Toufanian v. Shukes, 20 SC3 3. In 2020, I granted Plaintiff's oral motion to dismiss his complaint (Small Claims). Defendant did not object to Plaintiff's motion to dismiss but renewed his request for legal fees pursuant to D.C.'s ANTI-SLAPP ACT, outlined in Defendant's motion to dismiss. I granted Plaintiff's oral motion to dismiss and denied Defendant's motion to dismiss (and request for legal fees) as moot. On review by Associate Judge Anthony C. Epstein, the case was remanded for further proceedings, specifically to address the issue of whether Defendant was entitled to legal fees. On remand, I determined that Defendant was not entitled to legal fees because he did not "prevail" on his motion to dismiss, as required by D.C.'s ANTI-SLAPP ACT.

20. Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).

I have never been a candidate for an elected judicial or other public office.

In January 2018, the Judicial Nomination Commission (JNC) submitted my name to The White House as a candidate to fill Judge Frederick H. Weisburg's vacancy.

In March 2018, the JNC transmitted my nomination to the United States Senate, to fill Judge Weisburg's vacancy.

In September 2019, former President Trump forwarded my nomination to the United

States Senate to fill Judge John Ramsey Johnson's vacancy (PN1048).

In January 2021, former President Trump forwarded my nomination to the United States Senate to fill Judge John Ramsey Johnson's vacancy.

In May 2022, the JNC submitted my name to The White House as a candidate to fill Judge Fern Flanagan Sadler's vacancy.

21. Political activities and affiliations.

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

None.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

None.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of \$50 or more.**

None, to the best of my recollection.

22. To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.

No. However, in September 2012, I received a traffic citation and was placed under arrest for Operating After Suspension. After these events, I learned that I had an unpaid moving violation that resulted in the administrative suspension of my D.C. driver's license by the D.C. DMV. I was unaware of the suspension until I was arrested. My license was immediately reinstated upon my online payment of the reinstatement fee, which I resolved on the day of my arrest. The Government did not move forward and the case was "No Papered."

23. Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.

I was a party in my divorce, *Jackson v. Jackson*, CL-00044893, Circuit Court of Loudoun County, Virginia (2007), and subsequent child support modification-enforcement matter, *Bouchet v. Jackson*, FD-14-125-19, Superior Court of New Jersey, Chancery Division/Family Part, Morris County (2018).

24. **Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

No.

POTENTIAL CONFLICTS OF INTEREST

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

Yes.

2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

None.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

None.

4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**

None.

5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

None.

6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

Currently, I have no plans to pursue outside employment. I do, however, intend to maintain interest/management of my short-term vacation rental located in Martha's Vineyard, owned by 22 Narragansett Ave LLC. My husband, Eddie Fontno, and I co-own the business.

7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**

I do not have any potential conflicts of interest. In the event a conflict should arise, I would recuse myself. I am the successor trustee for The Pearl Rivero Trust (my deceased

maternal grandmother) and the trustee for the Rahkel Bouchet Revocable Trust.

8. If confirmed, do you expect to serve out your full term?

Yes.

FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

DISTRICT OF COLUMBIA REQUIREMENTS

Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section 11-1501 (b), as amended.

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.

Yes, I am a judicial member in good standing of the D.C. Bar. I was sworn into the D.C. Bar on October 12, 2007.

4. If the answer to Question 3 is "no" – n/a

A. Are you a professor of law in a law school in the District of Columbia?

B. Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?

C. Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?

D. Upon what grounds is that eligibility based?

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.

Since 2015, I have resided at

REDACTED

7. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?

No.

- 8. Have you been a member of either of these Commissions within the last 12 months?**

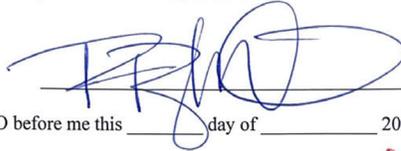
No.

- 9. Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

A copy of my District of Columbia Judicial Nomination commission questionnaire is attached.

AFFIDAVIT

Rahkel Bouchet being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.



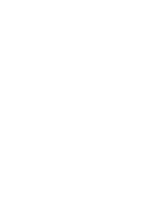
SUBSCRIBED and SWORN TO before me this _____ day of _____ 2024

Notary Public

City/County of Charles
State of Maryland
Subscribed and sworn to before me
this 27th day of March 2024
by S. A. [Signature]

Notary Public
My commission expires 9/22/2025

Sharon A. Kelley
NOTARY PUBLIC
Charles County, Maryland
My Commission Expires September 22, 2025



**Senator Josh Hawley
Post-Hearing Questions for the Record
Submitted to Rahkel Bouchet**

**Nominations of Sherri Beatty-Arthur, Rahkel Bouchet, Erin Johnston, Ray McKenzie, and
John Truong, to be Associate Judges, Superior Court of the District of Columbia**

Tuesday, June 4, 2024

1. If confirmed to this position, what would be your approach toward sentencing an individual convicted of a child pornography offense?

If confirmed to serve as an Associate Judge of the D.C. Superior Court, my approach would be to apply any applicable D.C. Criminal statutory guidelines set forth in the D.C. Criminal Code, which provide the framework for determining appropriate sentences.

2. Do you believe America is a systemically racist country?

My role, as judge, is to interpret and apply the law fairly and objectively, without bias, ensuring that every individual receives equal treatment under the law. If a party before me brings a claim of racial discrimination, I would decide that issue fairly and objectively, applying the law to the facts before me. As a sitting judge, I am bound by the D.C. Code of Judicial Conduct (hereafter "D.C. Judicial Code") to maintain judicial impartiality and public confidence in the judiciary. Pursuant to Rule 2.10 and Rule 4.1 of the D.C. Judicial Code, I am precluded from expressing personal opinions on issues that could potentially come before me in court.

3. In the course of considering your candidacy for this position, has anyone at the White House or Department of Justice asked for you to provide your views on:

- a. *Roe v. Wade*, 410 U.S. 113 (1973)?

No.

- b. The Supreme Court's substantive due process precedents?

No.

- c. Systemic racism?

No.

- d. Critical race theory?

No.

Opening Statement of Erin Johnston
Nominee to be an Associate Judge of the District of Columbia Superior Court

Chairman Peters, Ranking Member Paul, and members of this esteemed Committee, thank you for considering me for the role of Associate Justice of the D.C. Superior Court. I would like to thank your staff for their courtesy and professionalism. Thank you to the Judicial Nomination Commission, and especially its chair, the Honorable Marie C. Johns, for recommending me to the White House. I would also like to thank President Joseph Biden for nominating me. I am deeply grateful to the judges of the D.C. Superior Court, and Chief Judge Anita Josey-Herring, for all of the generous encouragement I have received throughout this process.

I am most grateful to my family. I am fortunate to have extended family across this country. Here with me today from California is my sister, Stacey Gomez. She has been by my side in every important moment of my life. She was the first to envision my nomination to the judiciary, and I thank her for her steadfast belief in me and my potential. I reserve special thanks for my three children, who are also here with me today. My children are my inspiration. They make me better. And they are my most fun cheerleaders every day.

My mother worked hard to provide me with the educational opportunities available in this country that had not been available to her. It was those efforts that enabled me to find my way to the New York University School of Law. Since graduating from law school, I have lived here in the District. It has been a privilege to belong to such a vibrant community and to raise my children here.

I have spent my professional career at the Washington, D.C. office of Kirkland & Ellis. I have worked on large-scale litigation involving complex and novel legal issues that reflect the vast array of subject matters that touch our courtrooms, from contract claims and torts, to statutory interpretation and criminal matters. I have now taken several cases from inception through appeal, gaining extensive first-hand experience with every stage of the litigation process.

The matters that have meant the most to me have been my pro bono work. I have spent nearly 2000 hours on pro bono work over the course of my career, including handling several family law cases before the D.C. Superior Court. In choosing this work, I sought to represent families that otherwise would not have had access to counsel during what often was the most pivotal and challenging moments of their lives. I saw first-hand the impact of the justice system on the residents of the District. It would be a privilege to continue to contribute to D.C. Superior Court cases from the bench.

The breadth and depth of my experience has prepared me well for the wide range of matters that the D.C. Superior Court faces each day. I have learned the value of hard work and preparation, how to communicate effectively with people from all walks of life, and the importance of the dignity of each person involved in the judicial process. In my practice in state and federal courts across the country, I have seen judges who embody a reverence for the rule of law, listen with an open mind, move matters forward thoughtfully and effectively, and lead with steady compassion. If confirmed, this is the kind of judge I would endeavor to be. I would be grateful to serve the

District by dedicating myself in every case to the rule of law and providing equal access to justice. Thank you for the opportunity to appear before you. I look forward to answering your questions.

REDACTED

**QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,
UNITED STATES SENATE**

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. **Full name (include any former names used).**

Erin Camille Johnston
Erin Camille Lefler

2. **Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**

I am a United States citizen.

3. **Current office address and telephone number.**

Kirkland & Ellis LLP
1301 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 389-5233

4. **Date and place of birth.**

September 30, 1981
Pasadena, California

5. **Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

I am divorced.

6. **Names and ages of children. List occupation and employer's name if appropriate.**

[REDACTED]

REDACTED

7. **Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.**

New York University School of Law, 2004 – 2007; J.D., awarded 2007.

University of California, Los Angeles, 1999 – 2003; B.A. in Political Science and B.A. in Psychology, awarded 2003.

Georgetown University, Summer 2002; no degree awarded.

La Canada High School, 1993 – 1999; High School Diploma awarded 1999.

- 8. Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

May 2006 – August 2006
Gibson, Dunn & Crutcher LLP
1050 Connecticut Ave NW
Washington, DC 20036
Summer Associate

December 2003 – July 2004
Arnold & Porter LLP
777 South Figueroa St
Los Angeles, CA 90017
Legal Assistant

March 2003 – December 2003
Basile & Associates
1880 Century Park E
Los Angeles, CA 90067
Legal Assistant

- 9. Honors and awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.**

D.C. Rising Star, The National Law Journal (2022).

Emerging Women Leader in Private Practice, DCA Live (2022).

General Commercial Disputes, The Legal 500 U.S. (2020).

Rising Star in Business Litigation, Super Lawyers (2019, 2020).

Legal Counsel for Legal Diversity, Fellow (2018).

Pro Bono Service Award for Outstanding Service, Kirkland & Ellis LLP (2007, 2008,

2009, 2010, 2011, 2013, 2015, 2017, 2018, 2019).

University of California, Los Angeles, B.A. conferred cum laude (2003).

- 10. Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.**

Kirkland & Ellis LLP, Partner (2013 – Present).

Erin C. Johnston, P.C., Sole Shareholder (2019 – Present).

Equal Justice Works, Board Member (2021 – Present).

Disability Rights Legal Center, Board Member (2018 – 2023).

- 11. Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.**

D.C. Bar Association, Member (2009 – Present).

New York State Bar Association, Member (2008 – Present).

Women’s Bar Association, Member (2017–2019, 2023 – Present).

National Women’s Law Center, Leadership Advisory Council Member (2018 – Present).

Lawyers’ Club of Washington, Member (2024 – Present).

- 12. Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.**

None.

- 13. Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.**

District of Columbia, admitted May 1, 2009

New York, admitted May 13, 2008

United States District Court for the District of Columbia, admitted January 7, 2019

United States District Court for the Southern District of New York, admitted August 28, 2013

United States Court of Appeals for the First Circuit, admitted March 24, 2016

United States Court of Appeals for the Eleventh Circuit, admitted April 7, 2020

14. **Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.**

“How Do I Do It? Not All at Once, And Not All Alone,” ABA Journal, November 2018.

15. **Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.**

None.

16. **Legal career.**

A. **Describe chronologically your law practice and experience after graduation from law school, including:**

- (1) **Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;**

No.

- (2) **Whether you practiced alone, and if so, the addresses and dates;**

No.

- (3) **The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.**

September 2007 – Present
Kirkland & Ellis LLP
1301 Pennsylvania Avenue NW
Washington, DC 20004

- B. **Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.**

For the past 16 years, my practice has consisted of a broad range of complex commercial disputes in state and federal courts across the country, including contract disputes, securities and accounting cases, fraud claims, antitrust matters, trade secret misappropriation, products liability claims, class actions, government investigations, and appeals. I also have dedicated nearly 2000 hours to maintaining a robust pro bono practice throughout my career, including handling several matters in D.C. Superior Court.

C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.

My commercial clients typically have been Fortune 500 companies facing high-stakes business litigation. My pro bono clients primarily have been local D.C. residents in a variety of family law matters before the D.C. Superior Court, and criminal defendants in various state court proceedings.

D. Describe the general nature of your litigation experience, including:

(1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.

I appear in court regularly.

(2) What percentage of these appearances was in:

(a) Federal courts (including Federal courts in D.C.);

80%

(b) State courts of record (excluding D.C. courts);

10%

(c) D.C. courts (Superior Court and D.C. Court of Appeals only);

10%

(d) other courts and administrative bodies.

0%

(3) What percentage of your litigation has been:

(a) civil;

90%

(b) criminal.

10%

(4) **What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.**

I have tried eleven cases in courts of record to verdict or judgment. I was lead trial counsel in five of these cases and associate trial counsel in three of these cases. The other three cases were decided on motion.

(5) **What percentage of these trials was to**

(a) a jury;

45%

(b) the court (include cases decided on motion but tabulate them separately).

55% (half of which were decided on motion)

17. **Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case, (a) the date of representation; (b) the court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.**

1) *Jones, Vonnetta v. Warren, Catherine Deanna et al.*, 2008DRB002205

From 2008 to 2013, I represented the Plaintiff, Vonnetta Jones, in D.C. Superior Court before Judge Hiram E. Puig-Lugo in this third-party custody dispute. I developed this case from the start, filing the initial complaint for custody in 2008 and then conducting written discovery and depositions in preparation for a four-day bench trial in 2009. Multiple motions and contested hearings followed the main trial, each seeking to modify

custody and/or visitation. The final court order in this matter was issued on September 17, 2013. My client, Ms. Jones, was awarded temporary custody before the trial and custody at the conclusion of the trial, and she maintained custody throughout all subsequent proceedings.

Co-Counsel

Heather Bloom (formerly of Kirkland & Ellis LLP)
Lockheed Martin
6801 Rockledge Dr
Bethesda, MD 20817
(301) 897-6951

Opposing Counsel

Norman T. Robinson III
1430 4th Street, SW
Washington, D.C. 20024
(202) 554-3553

- 2) *In Re: Chocolate Confectionary Antitrust Litigation*, 999 F.Supp.2d 777 (M.D.Pa. 2014)

From 2008 to 2014, I represented The Hershey Company in bet-the-company litigation that alleged the chocolate industry had conspired to fix the price of chocolate candy in the United States. Judge Christopher C. Conner presided over this multi-district litigation in the United States District Court for the Middle District of Pennsylvania. I handled this case in depth from inception. Ultimately, the court granted summary judgment in full in favor of The Hershey Company.

Co-Counsel

Lauren Lacey
The Hershey Company
19 East Chocolate Ave
Hershey, PA 17033
(717) 534-7148

Opposing Counsel

H. Laddie Montague
Berger & Montague
1818 Market Street, Suite 3600
Philadelphia, PA 19103
(215) 875-3010

- 3) *Jonathon Vaughn v. 3M et al.*, Case No. 7:20-cv-00134

In 2022, I represented defendant 3M in a bellwether trial on the product liability claims brought by plaintiff Jonathon Vaughn. I served as co-lead counsel for this two-week

trial, conducting examinations of several key witnesses. Judge Steven D. Grimberg presided over this trial in the United States District Court for the Northern District of Florida, Pensacola Division. The jury returned a verdict for the plaintiff but found no bad faith conduct and awarded no punitive damages.

Co-Counsel

Charles Beall
Moore, Hill & Westmoreland, P.A.
350 W Cedar St., Suite 100
Pensacola, FL 32502
(850) 434-3541

Opposing Counsel

John Quinn
Quinn Emanuel Urquhart & Sullivan LLP
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
(213) 443-3000

- 4) *Golden Rule Financial Corporation v. Shareholder Representative Services, LLC*, 2021 WL 305741, at *6 (Del Ch. Jan. 29, 2021), affirmed 2021 WL 5754886 (Del. Dec. 3, 2021)

From 2020 to 2021, I served as lead counsel to Shareholder Representative Services in a post-closing dispute brought by Golden Rule Financial Corporation over the parties' purchase price adjustment. The case was filed in Delaware Chancery Court before Vice Chancellor Paul Fioravanti. After extensive briefing and oral argument, Judge Fioravanti dismissed Golden Rule's complaint in full. The Delaware Supreme Court affirmed.

Co-Counsel

David E. Ross
Ross Aronstam & Moritz LLP
1313 North Market Street, Suite 1001
Wilmington, DE 19801
(302) 576-1602

Opposing Counsel

Oderah C. Nwaeze
Faegre Drinker Biddle & Reath LLP
One Logan Square, Ste. 2000
Philadelphia, PA 19103
(215) 988-1172

- 5) *Alabama Aircraft Industries et al. v. The Boeing Company et al.*, Case No. 2:11-cv-03577-RDP

Since 2013, I have represented Boeing in a breach of contract, fraud, and trade secret misappropriation case that Alabama Aircraft Industries filed in the United States District Court for the Northern District of Alabama. Judge R. David Proctor has presided over the matter since its inception. I served as primary counsel through several years of discovery proceedings, all of which culminated in large-scale cross-motions for summary judgment. On August 15, 2018, the court granted defendant's summary judgment motion in part. I was lead counsel at the trial on the two remaining claims. On February 27, 2020, the jury issued a verdict for the plaintiffs. Both parties cross-appealed. On February 14, 2022, the Eleventh Circuit overturned Judge Proctor's dismissal of the trade secret misappropriation claim. On remand, Judge Proctor again dismissed the trade secret misappropriation claim but on different grounds. The appeal of this latest dismissal is pending before the Eleventh Circuit.

Co-Counsel

R. Thomas Warburton
Bradley
One Federal Place
1819 5th Avenue N
Birmingham, AL 35203
(205) 521-8987

Opposing Counsel

Rebecca A. Beers
RumbergerKirk
2001 Park Place North, Suite 1300
Birmingham, AL 35203
(205) 721-2817

- 18. Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

Over the sixteen years that I have been in private practice, I have handled several significant litigation matters that did not proceed to trial, either because of settlement or dismissal as a matter of law. In addition, as a Partner at my firm, my responsibilities outside of my litigation matters have included serving on several firm committees that focus primarily on the mentoring, training, and leadership programs in the DC office.

- 19. Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.**

No.

A. List all court decisions you have made which were reversed or otherwise criticized on appeal.

None.

20. **Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).**

No.

21. **Political activities and affiliations.**

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

None.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

None.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of \$50 or more.**

\$1000 — Joe Biden, candidate for President of the United States (October 3, 2020)

22. **To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.**

No.

23. **Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.**

On September 14, 2004, a civil complaint related to a car accident was filed against me in

Los Angeles Superior Court seeking compensatory damages up to \$10,000 (Case No. 04C02924). On May 9, 2005, the matter settled for a waiver of costs.

On July 15, 2021, I filed for uncontested divorce in D.C. Superior Court (Case No. 2021DRB001418). On July 29, 2021, the divorce was granted.

24. **Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

No.

II. POTENTIAL CONFLICTS OF INTEREST

- 1. Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

Yes.

- 2. Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

I have accrued retirement benefits during my employment at Kirkland & Ellis LLP, estimates of which are included in response to Question III.1 below.

As a shareholder of Kirkland & Ellis LLP, I receive my compensation for each year in part during the following year.

- 3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

None.

- 4. Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**

None.

- 5. Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

None.

- 6. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

No.

- 7. Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**

I will resolve any potential conflicts of interest in accordance with the District of Columbia Code of Judicial Conduct, and any other relevant laws, rules, or practices.

8. If confirmed, do you expect to serve out your full term?

Yes.

III. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

IV. DISTRICT OF COLUMBIA REQUIREMENTS

Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section 11 - 150 1 (b), as amended.

1. **Are you a citizen of the United States?**
Yes.
2. **Are you a member of the bar of the District of Columbia?**
Yes.
3. **Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.**
Yes, I was admitted to practice in the District of Columbia on May 1, 2009.
4. **If the answer to Question 3 is “no” --**
 - A. **Are you a professor of law in a law school in the District of Columbia?**
 - B. **Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**
 - C. **Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**
 - D. **Upon what grounds is that eligibility based?**
5. **Are you a bona fide resident of the District of Columbia?**
Yes.
6. **Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.**
Yes. Since April 2017, I have lived at [REDACTED] **REDACTED**
7. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?**
No.

- 8. Have you been a member of either of these Commissions within the last 12 months?**

No.

- 9. Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

Copies of my District of Columbia Judicial Nomination Commission questionnaire are attached.

AFFIDAVIT

Erin C. Johnston being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Erin C. Johnston

SUBSCRIBED and SWORN TO before me this 2nd day of APRIL 2024.

Andrew Cannon
Notary Public



**Senator Josh Hawley
Post-Hearing Questions for the Record
Submitted to Erin Johnston**

**Nominations of Sherri Beatty-Arthur, Rahkel Bouchet, Erin Johnston, Ray McKenzie, and
John Truong, to be Associate Judges, Superior Court of the District of Columbia**

Tuesday, June 4, 2024

1. If confirmed to this position, what would be your approach toward sentencing an individual convicted of a child pornography offense?

Response: My approach toward sentencing, including for an individual convicted of a child pornography offense, would be to follow the law and guidelines for sentencing that the legislature has set forth. I would also master the specific facts of the case at hand to ensure that I am able to faithfully and correctly apply the governing law to the facts of the particular case.

2. Do you believe America is a systemically racist country?

Response: I have not studied whether America is systemically racist during the course of my legal career or otherwise, but if confronted with a question of alleged race discrimination as a judge I would study the relevant law and the specific facts at issue and fairly and impartially apply the law to those facts to reach a decision. As a judge, I also would diligently and thoughtfully ensure that my decisions are based solely on how the law applies to the specific facts in each case, and that neither any personal beliefs I might hold, nor any person's race, would impact my decisions.

3. In the course of considering your candidacy for this position, has anyone at the White House or Department of Justice asked for you to provide your views on:

- a. *Roe v. Wade*, 410 U.S. 113 (1973)?

Response: No.

- b. The Supreme Court's substantive due process precedents?

Response: No.

- c. Systemic racism?

Response: No.

- d. Critical race theory?

Response: No.

Opening Statement of Ray D. McKenzie
Nominee for Associate Judge of the Superior Court of the District of Columbia

Chairman Peters, Ranking Member Paul, and Members of the Committee, let me first begin by expressing my appreciation to God for allowing me the opportunity to be here today appearing before this Committee. Let me also sincerely thank you, Chairman, Ranking Member, and Members of the Committee for convening this hearing and considering my nomination. I thank your staffs for their hard work and dedication as well.

I must express my heartfelt gratitude to the District of Columbia Judicial Nomination Commission; its Chair, the Honorable Marie Johns; its Vice Chair, the venerable Ben Wilson; and its other members for their service to the citizens of the District of Columbia and for recommending me to the White House. I also express my appreciation to the former chairman of the JNC, the Honorable Emmet Sullivan, who encouraged me to apply to serve as an Associate Judge, as well as the Judges on the Superior Court bench who have been sources of encouragement, information, and inspiration throughout this process.

I also must share my profound appreciation and thanks to President Joseph R. Biden for nominating me for this position. It is a great honor to be nominated to the court of general jurisdiction for the city where my wife and I have lived for the last 16 years and where we are raising our family. As a young man growing up on the south side of Richmond, surrounded by poverty and other challenges, but shielded and secured by faith and love, I could not have imagined I would come to these hallowed grounds as a judicial nominee. I am deeply and profoundly honored and humbled.

I have a few of the most important people in my life with me here today. My father, the Rev. Dr. Ray McKenzie, Jr., for whom I am named, is here with me in the flesh. My mother, Ingrid, who passed in 2000, is here with me in spirit. She and my father instilled in me the importance of faith, service, education, and perseverance, which have provided the foundation for the person I am. Also here today is my "bonus mother," the Rev. Dr. Faith Harris, who has been a loving and restorative partner for my father and a supportive encouragement for me. I likewise am grateful that my siblings are here today. I am grateful for our shared experiences growing up and beyond, and I know my late younger sister, RaChel, is smiling down on us.

I reserve special honor and thanks for my wife, Crystal, and my children, affectionately known as "the Three Es": Ethan, Ella, and Elliott. Without Crystal's love, support, and, occasionally, her helpful and constructive lectures, I would not be here today. Words cannot express my gratitude to and love for you. The joys and challenges of rearing our children and the patience they continue to teach me have made me a better man. Relatedly, I am pleased to have Crystal's mom, Sharon (who I call "Mama Hill"), with me here today. Thank you.

Penultimately, I must express deep and sincere gratitude to my judicial role model and mentor, the Honorable James R. Spencer who hired me as a law clerk out of law school when he was the Chief Judge on the U.S. District Court for the Eastern District of Virginia. Judge Spencer was the consummate trial judge who demonstrated keen preparation, humility, and, above all, fidelity to the law. I will endeavor to demonstrate all these attributes should I be confirmed as an Associate Judge for the Superior Court of the District of Columbia.

In closing, I must note that the law is a second career for me. I spent my first seven years out of college as a public-school educator. Since deciding to take on a new adventure in the law, I have had the great blessing of serving in a variety of roles that have prepared me to be an Associate Judge on the Superior Court. In addition to serving as a law clerk on one of the busiest federal courts in the country, where I managed a docket of civil and criminal cases, I had the wonderful opportunity to practice as a litigation associate at Skadden, Arps, Slate, Meagher, and Flom, a large international law firm where I handled complex issues in the civil, criminal, and administrative contexts. It was a fast-paced, hardworking environment often dealing with cutting-edge areas of the law. Skadden is not only where I cut my teeth as a litigation associate but also the place where I was first introduced to the Superior Court, where, on a pro bono basis, I represented clients seeking relief through the Domestic Violence Intake Center. I subsequently served as an Assistant United States Attorney for the District of Maryland, where I tried cases and led investigations involving violent crimes, narcotics offenses, child exploitation, bribery, and fraud. Following my time as a federal prosecutor, I co-founded a boutique law firm with a dear friend where, among other things, we represented individuals and organizations involved in government investigations. And earlier this year, my law partner and I moved our practice to a larger platform at my current firm, Miles & Stockbridge. I have been blessed beyond measure and am grateful for all the relationships I was able to build with friends and colleagues at these organizations. There are too many to name individually.

The opportunity to now return to public service as an Associate Judge at the Superior Court of the District of Columbia is awe-inspiring. Thank you for considering my nomination. I look forward to answering your questions.

REDACTED

**QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,
UNITED STATES SENATE**

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

- 1. Full name (include any former names used).**

Ray Daniel McKenzie

- 2. Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**

I am a United States citizen.

- 3. Current office address and telephone number.**

Miles & Stockbridge P.C.
1201 Pennsylvania Avenue NW
Suite 900
Washington, DC 20004
202-465-8390

- 4. Date and place of birth.**

December 9, 1975
Durham, North Carolina, United States

- 5. Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

I am married to Crystal Monique Hill, who works at the United States Department of Homeland Security as a Supervisory Management and Program Analyst. Her business address is 6595 Springfield Center Drive, Springfield, Virginia 22150.

- 6. Names and ages of children. List occupation and employer's name if appropriate.**

████████████████████
████████████████████
████████████████████

REDACTED

- 7. Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received,**

and date each degree was received. Please list dating back from most recent to earliest.

University of Virginia School of Law, 2005 – 2008, J.D. awarded May 2008.

Virginia Union University, 2000 – 2003, M.Div. awarded May 2003.

University of Virginia, 1993 – 1998, B.A. and M.T. awarded May 1998.

Huguenot High School, 1990 – 1993, Advanced Diploma awarded June 1993.

- 8. Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

Summer 2007
Skadden, Arps, Slate, Meagher, and Flom, LLP
1440 New York Avenue NW
Washington, DC 20005
Summer Associate

Summer 2006
Clifford Chance US LLP
2001 K Street NW
Washington, DC 20006
Summer Associate

2001 – 2005
George Washington Middle School
1005 Mt. Vernon Avenue
Alexandria, VA 22301
Sixth Grade Teacher

1998 – 2001
John M. Gandy Elementary School
201 Archie Cannon Drive
Ashland, VA 23005
Fifth Grade Teacher

Summer 1998
Kinko's (now FedEx Office Print & Ship Center)
9111 Midlothian Turnpike
Suite 200

Richmond, VA 23235
Point of Sale Associate

9. **Honors and awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.**

Law360

White Collar Editorial Advisory Board, 2021 – 2022

Leadership Council for Legal Diversity

Coaching Circle Co-Leader, 2023

Class of 2020 Alumni Liaison, 2021 – 2022

Advocacy Group Co-Leader, 2021 – 2022

Fellow, 2020 – 2021

U.S. Attorney's Office for the District of Maryland

Performance-Based Award, 2019

Award for Excellence in the Prosecution of Fraud, 2018

University of Virginia School of Law

James C. Slaughter Faculty Honor Award, 2008

The Raven Society, 2007

Mary Claiborne and Roy H. Ritter Prize for Character, Honor, and Integrity, 2007

Black Law Student Association, Mock Trial Regional Champion and National

Quarterfinalist, Best Advocate, 2007

Samuel DeWitt Proctor School of Theology at Virginia Union University

Samuel Horace James, Sr. Theologian, 2003

Valedictorian, 2003

University of Virginia School of Education and Human Development

Bernard W. Busse Award, 1998

University of Virginia

Algernon Sidney Sullivan Award, 1998

Peach Bowl Scholar Athlete, 1995

10. **Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any**

corporation, company, firm, partnership, or other business enterprise, or educational or other institution.

Miles & Stockbridge P.C.
Principal (2024)

WTAII PLLC
Co-founder/Member (2019 – 2024)

11. Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.

National Bar Association
Member (2021 – present)

Washington Bar Association
Member (2021 – present)

Leadership Council for Legal Diversity
Coaching Circle Co-Leader (2022 – 2023)
Advocacy Group Co-Leader (2021 – 2022)
Class Liaison (2021 – 2022)
Fellow (2020 – 2021)

Edward Bennett Williams Inn of Court
Barrister (2020 – present)

American Bar Association
Member (2009 – 2015)

District of Columbia Bar
Member (2010 – present)

Virginia State Bar
Member (2008 – present)

12. Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.

BEST Kids Inc.
Member of Board of Trustees (2023 – present)

The City Club of Washington
Member (2019 – 2022)

Statesmen College Preparatory Academy for Boys Public Charter School
Academic and Program Excellence Co-Chair (2023 – present)
Board of Trustees (2018 – present)

Jack and Jill of America, Inc., Nation’s Capital Chapter, Father’s Auxiliary
Member (2016 – present)

The Garment’s Hem, Inc.
Board of Directors (2008 – 2012)
President (2009 – 2012)

The Raven Society
Member (2017 – present)

Future Leaders, Inc.
Board of Directors (2006 – 2009)

University of Virginia School of Law, Black Law Students Association
Education Chair (2007 – 2008)
Member (2005 – 2008)

Omicron Delta Kappa Honor Leadership Society
Lifetime Member (1998 – present)
Collegiate Member (1994 – 1998)

Kappa Delta Pi Education Leadership Society
Member (1996 – 1998)

To my knowledge, none of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.

- 13. Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.**

Virginia Supreme Court (and all lower courts in Virginia), admitted October 16, 2008

U.S. Court of Appeals for the Fourth Circuit, admitted May 12, 2009

U.S. District Court for the Eastern District of Virginia, admitted May 12, 2009
U.S. District Court for the Western District of Virginia, admitted May 12, 2009
District of Columbia Court of Appeals, admitted August 9, 2010
Superior Court of the District of Columbia, admitted August 9, 2010
U.S. District Court for the District of Columbia, admitted September 12, 2011
U.S. District Court for the District of Maryland, admitted February 18, 2015
There have been no lapses in membership.

14. Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.

Warren T. Allen II and Ray D. McKenzie, *How Lawyers Can Leverage the Shifting Environment to Enhance Compliance Programs*, Anti-Corruption Report, Aug. 17, 2022. Copy supplied.

Ray D. McKenzie and Adrienne Johnstone, *African-American Student Response to Images of African-Americans in Children's Picture Books*, Electronic Registration Information Center (ERIC), May 1998. Copy supplied.

15. Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.

None.

16. Legal career.

A. Describe chronologically your law practice and experience after graduation from law school, including:

(1) Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;

From August 2008 to September 2009, I served as a law clerk to the Honorable James R. Spencer (Retired) of the United States District Court for the Eastern District of Virginia.

(2) Whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

(3) The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.

January 2024 – present
Miles & Stockbridge P.C.
1201 Pennsylvania Avenue NW
Suite 900
Washington, DC 20004
Principal

2022 – present
The George Washington University Law School
2100 H Street NW
Washington, DC 20052
Professorial Lecturer in Law (Adjunct Faculty)

2021 – 2022
Samuel DeWitt Proctor School of Theology
Virginia Union University
1500 North Lombardy Street
Richmond, VA 23220
Adjunct Instructor

2021 – present
American Arbitration Association
1120 Connecticut Avenue NW
Suite 490
Washington, DC 20036
Consumer Arbitrator

2020 – present
Georgetown University Law Center
600 New Jersey Avenue NW
Washington, DC 20001
Adjunct Professor

2019 – 2024
WTAL PLLC
P.O. Box 609
Vienna, VA 22183
Co-Founder/Member

2015 – 2019
United States Attorney's Office for the District of Maryland
Criminal Division
6500 Cherrywood Lane, Suite 200
Greenbelt, Maryland 20770
Assistant United States Attorney

2009 – 2015
Skadden, Arps, Slate, Meagher, and Flom, LLP
1440 New York Avenue NW
Washington, DC 20005
Associate

B. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.

From August 2008 to September 2009, upon law school graduation, I clerked for the Honorable James R. Spencer. My duties and responsibilities included reviewing filings; conducting research; preparing preliminary drafts of legal memoranda, opinions, and orders; and generally managing the portion of the docket assigned to me. The major subject matter areas included contract disputes, torts, civil rights violations, intellectual property, and various federal criminal statutes.

From October 2009 to January 2015, as a litigation associate at Skadden, Arps, Slate, Meagher & Flom LLP, my practice included civil and criminal investigations and litigation. I conducted legal research, drafted memoranda, drafted briefs, participated in and oversaw document reviews and productions, and assisted with corporate internal and cross-border investigations. The major subject matter areas included the Foreign Corrupt Practices Act, False Claims Act, and Anti-Kickback Act. I also worked on pro bono matters, including advising clients at the Domestic Violence Intake Center at the Superior Court for the District of Columbia.

From February 2015 to April 2019, as an Assistant United States Attorney for the District of Maryland, I conducted grand jury investigations into potential violations of federal criminal laws in a variety of areas including narcotics, violent crimes, child exploitation, human trafficking, fraud, corruption, and money laundering. As a result of these investigations, I served as first- and second-chair trial counsel in seven jury trials. In addition, I handled numerous other court proceedings, such as motions hearings, guilty pleas, hearings on violations of supervised release, and oral arguments before the Fourth Circuit.

From May 2019 to January 2024, as co-founder and member of WTAII PLLC, I represented individuals and entities involved in government investigations, facing criminal charges, and civil litigation. The subject matter areas included the Racketeer Influenced Corrupt Organization Act, contract disputes, civil rights

violations, whistleblower retaliation claims, fraud, and the False Claims Act. I also assisted companies with evaluating and improving their corporate compliance programs. In addition, I served as a consumer arbitrator with the American Arbitration Association resolving disputes between customers and contracted service providers.

In January 2024, I moved my practice to Miles & Stockbridge P.C. along with the co-founder of WTAII PLLC. My practice is still developing there, but I anticipate that it will be similar to my portfolio at WTAII PLLC and Skadden.

C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.

At Skadden, I represented individuals, corporations, corporate boards, non-profit organizations, and a state-appointed review task force. I specialized in responding to government enforcement actions, conducting investigations, and criminal and civil litigation. My pro bono clients included individuals and non-profit organizations.

At the U.S. Attorney's Office, I represented the United States of America and specialized in the prosecution of violations of federal criminal law as described above.

At WTAII PLLC, most of my clients were individuals and small to medium-sized businesses involved in government enforcement actions, criminal investigations, and civil litigation.

At Miles & Stockbridge P.C., my practice is still developing, but I anticipate having similar clients to those I served at WTAII PLLC and Skadden.

D. Describe the general nature of your litigation experience, including:

(1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.

The frequency of my court appearances has varied over time.

While at Skadden (2009 to 2015), I appeared in court infrequently, one to four times per year. I appeared in the Superior Court for the District of Columbia for pro bono matters at the Domestic Violence Intake Center and state courts in Maryland and Ohio in connection with a corporate client in civil litigation relating to alleged violations of consumer protection and money transfer business statutes and regulations.

While an AUSA in the District of Maryland (2015 to 2019), I was in court regularly, typically three to four times a week, for various criminal proceedings, including initial appearances, arraignments, detention hearings, motions hearings, guilty pleas, trials, and sentencing hearings, among other proceedings. I had proceedings, including trials, in both Greenbelt (Southern Division) and Baltimore (Northern Division).

After leaving the U.S. Attorney's Office and co-founding WTAII PLLC (2019 to January 2024), I was typically in court one to three times a month. However, I had several cases that required time in the courtroom (state and federal) more frequently at times for initial appearances, arraignments, motions hearings, plea hearings, sentencings, and other proceedings. I appeared in the Fairfax County General District Court, Arlington County General District Court, U.S. District Court for the Eastern District of Virginia, U.S. District Court for the District of Maryland, and the Superior Court for the District of Columbia. In addition, I attended court with a client in the U.S. District Court for the Southern District of New York multiple times, but that matter did not require a formal entry of appearance.

Since starting at Miles & Stockbridge, I have appeared in the Fairfax General District Court.

- (2) **What percentage of these appearances was in:**
- (a) **Federal courts (including Federal courts in D.C.);**
70%
 - (b) **State courts of record (excluding D.C. courts);**
5%
 - (c) **D.C. courts (Superior Court and D.C. Court of Appeals only);**
5%
 - (d) **other courts and administrative bodies.**
20%
- (3) **What percentage of your litigation has been:**

(a) civil;

40%

(b) criminal.

60%

- (4) **What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.**

I tried six cases to verdict in the U.S. District Court for the District of Maryland. A seventh case resulted in a guilty plea after opening statements and the first two witnesses. As an AUSA, in the cases that went to verdict I served as first chair ("lead") or second chair ("associate") counsel, but, typically, duties were split evenly notwithstanding the "chair." I tried one case as lead counsel and six cases as associate counsel. The remainder of my dozens of lead counsel matters were resolved short of trial by guilty pleas, one on the very eve of trial.

- (5) **What percentage of these trials was to**

(a) a jury;

100%

(b) the court (include cases decided on motion but tabulate them separately).

0%

17. **Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case, (a) the date of representation; (b) the court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.**

1. *United States v. Andracos Marshall*, Crim. No. DKC-13-492 (D. Md.).

This case involved a multi-year Organized Crime Drug Enforcement Task Force (OCDEF) drug-trafficking and money laundering investigation with multiple defendants. The conspirators arranged for hundreds of kilograms of cocaine to be transported from California to Maryland by tractor trailer. The investigation eventually led to a traffic stop in Texas that then resulted in a controlled delivery of the conspirators' last drug shipment. Two conspirators, Ishmael Baith Ford-Bey and Andracos Marshall, were on the scene of the controlled delivery but fled from federal agents. Mr. Ford-Bey was captured and later pleaded guilty. Mr. Marshall, however, assumed several different identities and was not apprehended until he was located in Pennsylvania.

Following a three-week trial, in which I represented the United States as associate counsel, Mr. Marshall was convicted on all counts (drug conspiracy, drug distribution, and money laundering conspiracy). I conducted examinations of roughly half of the witnesses and delivered the closing argument on behalf of the United States. Additionally, there was extensive post-trial briefing including motions for a new trial, to set aside the jury verdict, a challenge to forfeiture, and to unseal grand jury proceedings; I handled the briefing and argument on these issues. The Fourth Circuit Court of Appeals affirmed his conviction, sentence, and forfeiture (which had been challenged on a novel argument alleging violation of the Sixth Amendment choice-of-counsel right). *United States v. Marshall*, 754 F. App'x 157 (4th Cir. 2018); *United States v. Marshall*, 872 F.3d 213 (4th Cir. 2017).

The case was litigated in the U.S. District Court for the District of Maryland, before the Honorable Deborah K. Chasanow.

Co-counsel

Deborah Johnston (deceased)

Opposing counsel

Marvin D. Miller
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Alexandria, VA 22314
703-548-5000

Arthur M. Reynolds, Jr.
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Largo, MD 20774
301-209-0452

2. *United States v. Junaidu Savage*, 885 F.3d 212 (4th Cir. 2018).

This case involved bank fraud and aggravated identity theft. Mr. Savage led a conspiracy in which a bank teller unlawfully accessed customer information and passed personally identifying information to Mr. Savage who then would take over the customer's account and steal the customer's money. Mr. Savage worked with numerous co-conspirators and successfully avoided detection for some time, even after his co-conspirators pled guilty or were convicted at trial. Ultimately, Mr. Savage was found and brought to trial. I represented the United States as associate counsel and conducted examinations of approximately half of the witnesses and presented closing argument for the United States. Mr. Savage was convicted on all counts (bank fraud and aggravated identity theft) after a ten-day trial. Mr. Savage appealed his conviction. I handled the appellate briefing and argued the case before the U.S. Circuit Court for the Fourth Circuit. The Fourth Circuit affirmed the convictions and sentence in the above-referenced published opinion.

The case was litigated in the U.S. District Court for the District of Maryland (Northern Division), before the Honorable George L. Russell, III, and the U.S. Court of Appeals for the Fourth Circuit, before the Honorable Roger L. Gregory, Barbara M. Keegan, and Henry F. Floyd.

Opposing counsel (trial)

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 301-513-7832

Opposing counsel (appeal)

Alyssa Christine Pont
 Zipline
 333 Corey Way
 San Francisco, CA 94080

Philip Urofsky (retired)
 SHEARMAN & STERLING, LLP
 401 9th Street NW
 Washington, DC 20004

3. *United States v. Olusola Olla*, Crim. No. PWG-15-277 (D. Md.).

This case involved a romance scheme resulting in wire fraud and money laundering charges against conspirators working in the United States and Nigeria. Some conspirators contacted elderly victims through online dating websites and convinced them over time to send tens of thousands of dollars to new-found love

interests who conspirators falsely reported were stuck overseas or otherwise in duress; other conspirators operated “drop accounts” (i.e., bank accounts where money from the victims were deposited until the conspirators divvied up the money). After the case was bifurcated for trial, Mr. Olla was the sole defendant of the second group of defendants who did not plead guilty. I represented the United States as associate counsel for this case; I participated in extensive pretrial briefing, conducted examinations of roughly half of the witnesses, and presented the closing argument for the government. After a two-week trial, Mr. Olla was convicted of money laundering conspiracy and structuring. The Fourth Circuit Court of Appeals affirmed the convictions and sentence. *United States v. Olla*, 754 F. App’x 168 (4th Cir. 2018) (per curiam).

The case was litigated in the U.S. District Court for the District of Maryland, before the Honorable Paul W. Grimm (retired).

Opposing counsel

Eugene Ghorokhov and Ziran Zhang
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202-386-6920.

4. *United States v. Edwin Jose Alarcon-Colindres et al.*, Crim. No. GJH-16-451 (D. Md.); *United States v. Sagastume et al.*, Crim. No. GJH-17-116 (D. Md.); *United States v. Guerra-Diaz*, Crim. No. GJH-17-88 (D. Md.); *United States v. Cuevas*, Crim. No. GJH-17-473 (D. Md.); *United States v. Reyes-Rivas et al.* (D. Md.).

This OCDEF investigation was a multi-year effort to target cross-border narcotics and money laundering affecting the District of Maryland. The investigation infiltrated and interdicted a network of international drug traffickers bringing heroin and cocaine into the country from Guatemala through a variety of means (concealed in coffee and health drink mixes, in the cardboard compartments of flower boxes, and in humans who swallowed pellets contained in latex). By the conclusion of the investigation, requiring coordination across federal agencies and state and local law enforcement, thirteen defendants were arrested and charged with a far-reaching drug conspiracy and money-laundering conspiracy, drug trafficking, and multiple firearm offenses. All but one of the fourteen defendants charged entered guilty pleas. The remaining defendant, the lead defendant for whom we were seeking extradition from Guatemala, was killed in Guatemala before the extradition process was completed.

I represented the United States as lead counsel for this investigation, which involved numerous informants, consensual recordings, controlled deliveries of narcotics and drug money, and required numerous search warrants for electronic

data, automobile tracking devices, pen registers, as well as cell-site data orders and tracking warrants.

The matter was litigated in the U.S. District Court for the District of Maryland, before the Honorable George J. Hazel (resigned).

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5. *CASA de Maryland, Inc., et al. v. Arbor Realty Trust, Inc., et al.*, No. 21-CV-01778-DKC (D. Md.)

This case involved alleged violations of the Fair Housing Act, federal discrimination laws, and various state contract and tort claims based upon the living conditions of apartment properties in Langley Park in Maryland. The plaintiffs alleged that the owners and managers of the apartments failed to remediate problems reported to the management company and otherwise failed to invest capital in upkeep of the properties. The court granted motions to dismiss the federal claims but allowed some state claims to go forward against some of the parties.

I served as counsel for Arbor Realty Trust, Inc., Arbor Realty Limited Partnership, and Arbor Realty SR, Inc. My clients did not own or manage the properties; rather, they had financed the transaction, which subsequently was refinanced by a financial institution. I participated in briefing on the motions to dismiss, negotiations with opposing counsel relating to discovery disputes, and participated in mediation efforts. Ultimately, my clients were dismissed from the case, and the remaining parties settled the dispute with relief for a class of litigants.

The case was litigated in the U.S. District Court for the District of Maryland, before the Honorable Deborah K. Chasanow.

Co-counsel

Muhammad U. Faridi, Peter W. Tomlinson, and Gizele Rubeiz
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18. **Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

Since 2021, I have been a member of the consumer arbitrator panel for the American Arbitration Association. In that role, I review filings, convene hearings, and make rulings relating to disputes between consumers and companies with whom they contract. While the specifics of the matters I have handled are confidential and cannot be disclosed, I have dealt with a variety of cases including breach of contract allegations, cryptocurrency transactions, and theft. Claimants often are pro se, but multiple matters have involved legal

representation on both sides. In all these matters, I am called upon to review the evidence and make rulings based upon applicable law. I do so impartially.

19. **Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.**

No.

- A. **List all court decisions you have made which were reversed or otherwise criticized on appeal.**

Not applicable.

20. **Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).**

The DC Judicial Nomination Commission recommended me to President Biden as a potential nominee for the Superior Court of the District of Columbia on November 22, 2021. Ultimately, I was not selected for the position.

The Merit Selection Panel for the U.S. District Court for the District of Columbia selected me as a finalist for a U.S. Magistrate Judge position in February 2022. Ultimately, I was not selected for the position.

The Merit Selection Panel for the U.S. District Court for the District of Maryland selected me as a finalist for a U.S. Magistrate Judge position in June 2023. Ultimately, I was not selected for the position.

21. **Political activities and affiliations.**

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

None.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

None.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of \$50 or more.**

None.

22. **To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.**

No.

23. **Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.**

No.

24. **Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

No.

II. POTENTIAL CONFLICTS OF INTEREST

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

Yes.

2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

I am an income principle at Miles & Stockbridge. I have one voting share but no equity shares in the professional corporation. As noted above, if confirmed, I would resign from the firm.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

None.

4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**

None.

5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

None.

6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

I plan to continue my volunteer work as a member of the Board of Trustees of the Statesmen College Preparatory Academy for Boys and Best Kids, Inc., to the extent such service would not create conflicts with my judicial work, if confirmed. I also plan to continue teaching at the Georgetown University Law Center and the George Washington University School of Law, to the extent that my judicial work commitment, if confirmed, allows such opportunity.

7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**

I will abide by the ethical canons included in the Code of Judicial Conduct to ensure impartiality and fairness. Should any possible conflicts of interest arise, I will apply the ethical canons and recusal standard and, if necessary, confer with judicial ethics officials to determine, as appropriate, whether I should recuse myself from the matter at issue.

No such agreements exist.

8. **If confirmed, do you expect to serve out your full term?**

Yes.

III. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

IV. DISTRICT OF COLUMBIA REQUIREMENTS

Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section 11 - 150 1 (b), as amended.

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.

Yes. I was admitted to the District of Columbia Bar on August 9, 2010.

4. If the answer to Question 3 is "no" --

A. Are you a professor of law in a law school in the District of Columbia?

B. Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?

C. Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?

D. Upon what grounds is that eligibility based?

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.

Yes. Since April 2009, I have resided at [REDACTED] **REDACTED**

7. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?**

No.

8. **Have you been a member of either of these Commissions within the last 12 months?**

No.

9. **Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

Copies of the questionnaire are attached.

AFFIDAVIT

Ray D. McKenzie being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.



SUBSCRIBED and SWORN TO before me this 28th day of March 2024.



DENISE BERNARD
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 14, 2025



Notary Public

**Senator Josh Hawley
Post-Hearing Questions for the Record
Submitted to Ray McKenzie**

**Nominations of Sherri Beatty-Arthur, Rahkel Bouchet, Erin Johnston, Ray McKenzie, and
John Truong, to be Associate Judges, Superior Court of the District of Columbia**

Tuesday, June 4, 2024

1. Have you signed any letters denouncing the weaponization of the legal system against President Trump?

Response: No, as a candidate for judicial office, I am bound by the Code of Judicial Conduct, which precludes me from “mak[ing] public comment on the merits of a matter pending or impending in any court.” Code of Judicial Conduct 3(A)(6).

2. Do you think President Trump is mentally unfit for office? If so, do you also think that President Trump lacks the requisite mental state to commit the crimes he has been charged with?

Response: The U.S. Constitution generally charges the American electorate with evaluating whether any presidential candidate is fit for office, and I respect our constitutional design. As for questions about a pending criminal case, as a candidate for judicial office, I am bound by the Code of Judicial Conduct, which precludes me from “mak[ing] public comment on the merits of a matter pending or impending in any court.” Code of Judicial Conduct 3(A)(6).

3. According to Special Counsel Robert Hur’s report, President Biden’s own Justice Department declined to recommend charging him with mishandling classified documents because it “would be difficult to convince a jury” that he had the requisite mental state, given that he “would likely present himself ... as a sympathetic, well-meaning, elderly man with poor memory.”¹ Have you signed any letters urging Vice President Harris to invoke the 25th Amendment to remove President Biden?

Response: No, as a candidate for judicial office, I am bound by the Code of Judicial Conduct, which precludes me from “mak[ing] public comment on the merits of a matter pending or impending in any court[.]” Code of Judicial Conduct 3(A)(6), including matters related to a Justice Department investigation.

4. If confirmed to this position, what would be your approach toward sentencing an individual convicted of a child pornography offense?

Response: I would thoroughly review the Presentence Investigation and Report from Pre-Trial Services, any victim impact statements, the record, and the arguments of the parties and abide by controlling precedent and Section 24-403.01 of the D.C. Code to impose a sentence that reflects the seriousness of the offense and the criminal history of the offender; provides

¹ <https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf>

for just punishment; affords adequate deterrence to the offender and others; and provides the offender with needed training or treatment.

5. Do you believe America is a systemically racist country?

Response: I have not had occasion to study the definition of “systematically racist” and am not aware of any law or statute that would call for application of that term to any case that might come before me if I am confirmed to be an Associate Judge on the Superior Court of the District of Columbia. The role of a judge is to abide by and apply the ideal of equal protection under the law embodied in the Constitution. That is what I will do if I am fortunate to be confirmed. If an issue involving alleged racial discrimination were to come before me, I would diligently research the law, learn the facts from the parties before me, impartially consider the parties’ arguments, and objectively apply the law to the facts to reach a fair and impartial decision.

6. In the course of considering your candidacy for this position, has anyone at the White House or Department of Justice asked for you to provide your views on:

- a. *Roe v. Wade*, 410 U.S. 113 (1973)?

Response: No.

- b. The Supreme Court’s substantive due process precedents?

Response: No.

- c. Systemic racism?

Response: No.

- d. Critical race theory?

Response: No.

Opening Statement of John Cuong Truong
Nominee to be an Associate Judge of the Superior Court of the District of Columbia

Good morning, Chairman Peters, Ranking Member Paul, and members of the Committee. I thank you for the opportunity to appear before you today for consideration of my nomination to be an Associate Judge of the Superior Court of the District of Columbia. I also want to thank your dedicated and hardworking staff for the hearing today. I am tremendously grateful and honored to be nominated by President Joseph Biden this year and by former President Donald Trump in 2020. I also want to thank the D.C. Judicial Nomination Commission and its Chair, the Honorable Marie Johns, as well as the former Chair, Judge Emmet Sullivan, for recommending me to the White House.

I can say with great humility and honesty that I would not have attained my accomplishments without Judge Ricardo M. Urbina of the U.S. District Court for the District of Columbia, for whom I had the privilege to clerk. His mentorship and friendship have guided me throughout my professional and personal life. I also want to thank former U.S. Attorneys Channing Phillips and Jessie Liu, and the current U.S. Attorney, Matthew Graves. I am very fortunate to have served under each of these extraordinary leaders.

I am very grateful for the support of my family and friends. I am the proud husband of Sabrina Vasa, an accomplished attorney and an amazing mother. We are truly blessed to have two loving daughters, four-year-old Priyanka and two-year-old Anjali, who are the most fun and funny tiny humans I know. They are the love and joy of my life, and they are my greatest achievement.

I also want to thank my younger brother, Kent, who is my role model, and my sister-in-law, Dr. Ngoc Bui, for their love and support. I am a proud uncle to my niece, Grace, who is a rising junior at George Washington University and my nephew, Ben, a rising senior in high school. I reserve a special thanks to my mother-in-law, Elizabeth Preeti Vickers, who is kind and generous with her time and love, and is a doting grandmother.

Ultimately, who I am as a person, is all attributable to my parents, Brian Truong and Mai Nguyen. My parents made a courageous decision to separate our family to save our lives, not knowing whether we would see each other again. My father and I escaped from Vietnam first in a fishing boat and landed in a refugee camp in Hong Kong, and eventually immigrated to the United States. A year later, my mother and younger brother traversed that same perilous journey, and the entire family was thankfully reunited as “boat people” refugees in this country. My parents had little in personal possessions and did not know the language of our adopted home, but they were filled with hope and faith in this country. They instilled in me the value of education, good work ethic, and perseverance. My parents worked hard and made sacrifices so that I can be here today.

I have been a part of the D.C. legal community for more than twenty-five years. I began as a federal judicial law clerk and went on to private practice, where I worked on complex civil litigation for six years. I later joined the U.S. Attorney’s Office for the District of Columbia. During my nineteen years as a civil and criminal Assistant U.S. Attorney I gained a broad spectrum of legal experiences, including five years when I worked exclusively in the Criminal Division where I prosecuted misdemeanor and felony crimes in the District of Columbia. In 2022, I was promoted

to become a Deputy Chief for the Civil Division where I supervise and counsel Assistant U.S. Attorneys in all aspects of federal district court litigation.

It has been a great honor representing the United States to enforce the law and defend its interests in court. I hope to now have the opportunity to serve the members of this community in a new role if confirmed to serve as an Associate Judge.

Thank you again for considering my nomination. I look forward to answering any questions that the Committee may have.

REDACTED

QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,
UNITED STATES SENATE

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. Full name (include any former names used).

John Cuong Truong
Cuong Chi Truong

2. Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).

I am a naturalized U.S. citizen. A copy of my naturalization certificate is attached.

3. Current office address and telephone number.

U.S. Attorney's Office for the District of Columbia
Civil Division
601 D Street, NW
Washington, DC 20530
(202) 252-2524

4. Date and place of birth.

September 9, 1970; Da Nang, Vietnam.

5. Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

I am married to Sabrina V. Vasa, who serves as an Associate Legal Advisor for Immigration and Customs Enforcement, U.S. Department of Homeland Security, 500 12th Street, SW Washington, DC 20536.

6. Names and ages of children. List occupation and employer's name if appropriate.

 REDACTED

7. Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.

American University School of International Service; 1993 –1997; Master of Arts in International Affairs received May 2003.

American University Washington College of Law; 1993 – 1997; Juris Doctor received May 1997.

University of Southern California; 1988 – 1993; Bachelor of Arts in International Relations and Communications received May 1993.

University of Sussex (via University of Southern California Study Abroad Program); 1991 – 1992; no degree awarded.

East Los Angeles Community College; Summer 1989; no degree awarded.

Pasadena Community College; Summer 1988; no degree awarded.

Rosemead High School; 1987 – 1988; high school diploma received June 1988.

Grant High School; 1985 – 1987; no degree awarded.

8. **Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

Summer 1995 (approx.)
Department of Justice, Child Exploitation and Obscenity Section
950 Pennsylvania Avenue, NW
Washington, DC 20530
Part-Time Internship

1995 – 1996 (approx.)
American University School of International Service
4400 Massachusetts Avenue NW
Washington, DC 20016
Research Assistant to Professor Mark Sherman

1994 – 1997
Palma R. Yanni, PC
2612 P Street NW
Washington, DC 20007
Part-Time Law Clerk

9. **Honors and awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any**

other special recognition for outstanding service or achievement.

U.S. Attorney's Office Special Achievement Award in 2019, 2016, 2008, and 2007.

Asian Pacific American Bar Association of the Greater Washington, D.C. Area, Inc. Member Appreciation Award in 2017.

NAPABA Best Under 40 Award in 2009.

National Daughters of the American Revolution Americanism Medal in 2006.

Morgan, Lewis & Bockius LLP Julie Noel Gilbert Pro Bono Awards in 1999, 2000, and 2003.

U.S. District Court for the District of Columbia Certificate of Appreciation in December 1999.

10. **Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.**

None.

11. **Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.**

The District of Columbia Bar
Member (2000 – Present)

The Asian Pacific American Bar Association of the Greater Washington, DC Area, Inc.
President (2006 – 2007)
Immediate Past-President (2007 – 2008)
Member of Nomination Committee (2004 – 2008)
Secretary (2004 – 2005)
Member (2003 – Present)

Vietnamese American Bar Association, DC
Member (2008 – Present)

National Asian Pacific American Bar Association
Member (2013 – Present)
Board of Directors (2013 – 2015 (approx.))

Northeast Regional Governor (2013 – 2015 (approx.))

Washington Bar Association
Member (2020 – Present)

12. **Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.**

None.

13. **Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.**

District of Columbia
Admitted on January 10, 2000

United States District Court for the District of Columbia
Admitted on February 14, 2000

United States Court of Appeals for the District of Columbia Circuit
Admitted on March 15, 2006

California (inactive)
Admitted on June 2, 1999

United States Court of Appeals for the Second Circuit (inactive)
Admitted in 2006 and 2007

United States District Court for the Central District of California
Admitted on July 15, 1999

There have been no lapses in membership.

14. **Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.**

Contributor, ABA SECTION OF ANTITRUST LAW, CRIMINAL ANTITRUST LITIGATION HANDBOOK, 2D EDITION (2006).

Co-Author (with James Backstrom), *Whither the Major Count? The Role of Title 18 Charges in Recent Antitrust Division Prosecutions*, American Bar Association Section of Antitrust Law Criminal Practice and Procedure Committee Newsletter, May 2004/No. 33.

Co-Author (with Willard Tom), *A Rather Sticky Situation: Appellate Court Affirms \$68.5 Million Monopolization Judgement Against 3M*, "On Competition" (May/June 2003), A Newsletter for Morgan Lewis Clients.

Contributor, ABA SECTION OF ANTITRUST LAW, HANDBOOK ON ANTITRUST GRAND JURY INVESTIGATIONS, 3D ED (2002).

From 1996 to 1997, I served as a Managing Editor and Staff Writer for The American Jurist – The Student Newsmagazine of the Washington College of Law and published the following articles:

Author, *Dial M for Registrar*, Sept. 1996, Vol. 10 No. 1, THE AMERICAN JURIST – THE STUDENT NEWSMAGAZINE OF THE WASHINGTON COLLEGE OF LAW.

Author, *America, What a Country: An Immigrant's Perspective*, Oct. 1996, Vol. 10, No. 2, THE AMERICAN JURIST – THE STUDENT NEWSMAGAZINE OF THE WASHINGTON COLLEGE OF LAW.

Author, *Menditto: A Hole in One*, Oct. 1996 Vol. 10 No. 2, THE AMERICAN JURIST – THE STUDENT NEWSMAGAZINE OF THE WASHINGTON COLLEGE OF LAW.

Author, *Representing Perot: WCL Professors Argued to Include Ross Perot in the Presidential Debates*, Oct. 1996, Vol. 10 No. 2, THE AMERICAN JURIST – THE STUDENT NEWSMAGAZINE OF THE WASHINGTON COLLEGE OF LAW.

Author, *Pike: To Tax or Not To Tax*, Dec. 1996, Vol. 10 No. 3, THE AMERICAN JURIST – THE STUDENT NEWSMAGAZINE OF THE WASHINGTON COLLEGE OF LAW.

Co-Author (with Ary Rosenbaum), *ILJ Gate: A Few Hours More*, Feb. 1997, Vol. 10 No. 4, THE AMERICAN JURIST – THE STUDENT NEWSMAGAZINE OF THE WASHINGTON COLLEGE OF LAW.

Author, *The Magical Mystery Guest*, Feb. 1997, Vol. 10 No. 4, THE AMERICAN JURIST – THE STUDENT NEWSMAGAZINE OF THE WASHINGTON COLLEGE OF LAW.

Author, *The Audain Lawsuit: An Update*, March 1997, Vol. 10 No. 5, THE AMERICAN JURIST – THE STUDENT NEWSMAGAZINE OF THE WASHINGTON COLLEGE OF LAW.

Author, *John Anderson: History Walking Among Us*, March 1997, Vol. 10 No. 5, THE AMERICAN JURIST – THE STUDENT NEWSMAGAZINE OF THE WASHINGTON COLLEGE OF LAW.

Author, *WCL News in Brief*, May 1997, Vol. 10 No. 6, THE AMERICAN JURIST – THE STUDENT NEWSMAGAZINE OF THE WASHINGTON COLLEGE OF LAW.

15. **Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.**

October 28, 2023: Opening Remarks, *Robert E. Wone Judicial Clerkship and Internship Conference*, at the Georgetown University Law School. I have no recordings or transcripts. My personal notes for the remarks are attached.

16. **Legal career.**
 A. **Describe chronologically your law practice and experience after graduation from law school, including:**

- (1) **Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;**

From September 1997 to August 1998, I served as a law clerk to the Hon. Ricardo M. Urbina (Ret.) of the United States District Court for the District of Columbia.

- (2) **Whether you practiced alone, and if so, the addresses and dates;**

I have never practiced alone.

- (3) **The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.**

May 1997 – July 1997
 Palma R. Yanni, P.C.
 2141 P Street, NW
 Washington, DC 20027
 Law Clerk

1998 – 2004
 Morgan, Lewis & Bockius
 1111 Pennsylvania Avenue, NW
 Washington, DC 20016
 Associate

2003 – Present
The George Washington University Law School
2000 H Street, NW
Washington, DC 20052
Adjunct Professor

2005 – Present
United States Attorney's Office for the District of Columbia
601 D Street, NW
Washington, DC 20530
Assistant United States Attorney

B. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.

The nature of my practice has shifted over my career. As a Law Clerk for Judge Urbina from 1997 to 1998, I assisted with preparing draft memorandum opinions on a variety of matters. Following my clerkship, I served as an Associate at Morgan Lewis from 1998 to 2004, where my practice focused on antitrust law in the context of class action litigation.

I started my career at the U.S. Attorney's Office for the District of Columbia in 2005 as an Assistant U.S. Attorney in the Civil Division, focusing on defensive litigation. My primary duties at that time were to defend federal executive agencies and officials in a variety of matters in federal court. Thereafter, in 2008, I joined the Criminal Division (Superior Court Division), and for the next five years, I prosecuted most misdemeanor and felony crimes in the District of Columbia. In mid-2013, I rejoined the Civil Division at first focusing on defensive litigation; however, beginning in mid-2017, I worked on affirmative litigation. In that capacity, my duties involved investigating fraud claims and filing lawsuits under the False Claims Act against companies and/or individuals who defrauded the United States. I became a Senior Litigation Counsel for the Civil Division in 2018 and, in that capacity, I was tasked with handling or assisting with particularly complex or difficult trial-level cases. Moreover, I was in charge of certain trainings for the Civil Division.

In June 2022, I was promoted to become a Deputy Chief for the Civil Division where I supervise and counsel Assistant U.S. Attorneys in all aspects of federal district court litigation. I also serve as the Civil Rights Coordinator since March 2024 for the Office's newly created Affirmative Civil Rights and Environmental Justice Unit. In that role, I supervise Assistant U.S. Attorneys' work to enforce federal civil rights laws regarding housing discrimination, disability access, sexual harassment, and other matters.

C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.

While in private practice from 1998 to 2004, the clients were corporate entities and my practice area was antitrust.

From 2005 to 2008 and again from 2013 to 2017, I represented federal executive government agencies in a variety of civil litigation in the U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the D.C. Circuit. These defensive civil actions included constitutional claims, employment discrimination, Federal Tort Claims Act, Freedom of Information Act, Administrative Procedure Act, and defense of government officials sued in their individual capacities.

From 2008 to 2013, I represented the United States in the prosecution of most misdemeanor and felony crimes in the District of Columbia Superior Court.

Starting in mid-2017, I was responsible for investigating fraud claims and filing civil lawsuits in federal district court on behalf of the United States to recover government money lost to fraud or other misconduct under the False Claims Act, and to impose penalties for violations of federal health or civil rights laws.

Since June 2022, I serve as a Deputy Chief and since March of 2024 as a Civil Rights Coordinator of the Civil Division of the U.S. Attorney's Office for the District of Columbia. I supervise Assistant U.S. Attorneys in all aspects of federal district court litigation and on work to enforce federal civil rights laws regarding housing discrimination, disability access, sexual harassment, and other matters.

D. Describe the general nature of your litigation experience, including:

- (1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.**

As an Associate at Morgan, Lewis & Bockius (1998 – 2004), I appeared in both federal and state courts infrequently. As a Civil AUSA (2005 – 2008), I appeared in federal court regularly. As a Criminal AUSA (2008 – 2013), I appeared in Superior Court almost on a daily basis, except for a period of about seven months when I was on assignment to the Appellate Section as part of my rotation. From 2013 to 2017, when I was still a defensive Civil AUSA, I appeared in federal court regularly. Starting in mid-2017, when I began working on affirmative litigation, my court appearances were reduced substantially due to the change in my case assignments. In that capacity, I investigated civil frauds under the False Claims Act and due to the complex and lengthy investigations of these cases, I appeared in court only occasionally. As a Deputy Chief since June 2022, my court appearances are in my role as a supervisor. I frequently attend court hearings to assist and manage assigned AUSAs on their cases.

- (2) What percentage of these appearances was in:**

(a) **Federal courts (including Federal courts in D.C.);**

75% (approx.)

(b) **State courts of record (excluding D.C. courts);**

0% (approx.)

(c) **D.C. courts (Superior Court and D.C. Court of Appeals only);**

25% (approx.)

(d) **other courts and administrative bodies.**

0%

(3) **What percentage of your litigation has been:**

(a) **civil;**

75% (approx.)

(b) **criminal;**

25% (approx.)

(4) **What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.**

I have tried approximately twenty jury and non-jury trials to verdict in my career. I was sole counsel for most of my bench trials and for approximately half of my jury trials.

(5) **What percentage of these trials was to**

(a) **a jury;**

60% (approx.)

(b) **the court (include cases decided on motion but tabulate them separately).**

40% (approx.)

17. Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case, (a) the date of representation; (b) the court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.

1. *American Cargo Transport, Inc. v. Natsios*, 429 F. Supp. 2d 139 (D.D.C. 2006) (before the Hon. Reggie B. Walton), *aff'd*, *American Cargo Transport, Inc. v. Tobias*, 222 F. App'x 2, 2007 WL 1125833 (D.C. Cir. Apr. 2, 2007) (*per curiam*).

In this case, American Cargo Transport, Inc. (American Cargo) sought a temporary restraining order and preliminary injunction against the U.S. Agency for International Development (USAID), to stop the agency's award of a contract to a foreign carrier to deliver sorghum to Somalia for emergency hunger relief efforts in that region. American Cargo argued that, under the Cargo Preference Act, the contract should have gone to a U.S. carrier. American Cargo filed its emergency motion on Friday, July 22, 2005, to stop the shipment, which was scheduled to depart on Wednesday, July 27, 2005. Given the urgency of the matter, the District Court scheduled an emergency hearing on Tuesday, July 26, 2005. I was assigned to defend USAID against American Cargo's emergency motion. At the end of the hearing, the District Court denied American Cargo's request and the shipment departed as scheduled. The District Court ultimately awarded summary judgment in USAID's favor. American Cargo appealed the District Court's ruling to the U.S. Court of Appeals for the District of Columbia Circuit. I briefed the matter on appeal, and obtained summary affirmance in USAID's favor.

Opposing Counsel:

Timothy Shea, Esq.
Nemirow, Hu & Shea
1900 L Street, NW, Ste. 303
Washington, DC 20036
(202) 835-0300

2. *In re: Fannie Mae Securities Lit.*, Civ. No. 04-1639-RJL (D.D.C.) (before the Hon. Richard J. Leon)

In 2006, I was assigned to represent the federal agency formerly known as the Office of Federal Housing Enterprise Oversight (OFHEO) in a multi-district litigation (MDL). The plaintiffs were Fannie Mae's shareholders and the defendants were Fannie Mae and its management. The plaintiffs alleged that the defendants had artificially inflated Fannie Mae's reported earnings. The plaintiffs' complaint had been based on a report prepared by

OFHEO. Thus, OFHEO was drawn into the parties' discovery based on its role in preparing the report and as Fannie Mae's oversight agency.

I represented OFHEO through 2008 for most of its involvement in the initial MDL discovery. This entailed daily telephone calls and meetings with OFHEO's leadership as well as almost daily "meet and confers" with the parties. My role in the litigation also entailed representing OFHEO at court hearings at which the parties litigated discovery issues. I am particularly proud of my role in defending the federal agency that oversaw Fannie Mae, while the agency was going through a challenging period that taxed its material and human capital to the maximum. In December 2013, Judge Richard J. Leon approved a class action settlement of \$153 million.

Co-Counsel:

Kenneth Adebajo, Assistant U.S. Attorney
U.S. Attorney's Office for the District of Columbia
601 D Street, NW
Washington, DC 20530
(202) 252-2562

Opposing Counsel:

Alex Romaine, Esq.
Jenner & Block
515 S. Flower Street
Suite 3300
Los Angeles, CA 90071-2246
(213) 239-5106

Eric Delinsky, Esq.
Zuckerman Spaeder LLP
1800 M Street NW
Suite 1000
Washington, DC 20036
(202) 778-1831

3. *United States v. Jennifer Clark, Crystal Clark, and Dewey Whitfield*, Case Nos. 2009 CF3 18693; 2009 CF3 19017; and 2009 CF3 19652 (D.C. Super. Ct. 2010) (before the Hon. Anthony Epstein)

This case involved a neighborhood brawl in 2009, where two victims and their children were attacked by the defendants. The fight took place in the Woodland Terrace, a housing complex in Southeast, Washington, DC. Jennifer Clark (one of the defendants) and Canzetta Jackson (one of the victims) got into an argument regarding Ms. Jackson's daughter, who had recently run away from home. Jennifer Clark, Crystal Clark (a second defendant), and several other people confronted Ms. Jackson and her fiancé, Andrew

Smith, and blocked the entrance to their house. The argument escalated into a physical fight. Jennifer Clark swung a golf club at Ms. Jackson's head, sparking a violent melee. During the brawl, Crystal Clark struck Ms. Jackson's eleven- and twelve-year-old daughters with a metal pole as they tried to help their mother. Dewey Whitfield (a third co-defendant) struck Mr. Smith on the head with a golf club and knocked him unconscious.

After the brawl ended and the victims were back inside their house, Jennifer Clark and Crystal Clark smashed the windows of the Jackson family's two vehicles. Later that night and again the next day, Crystal Clark also confronted another nearby family, who had called 911 to report the violence, and threatened them for calling the police. The victims and their children moved to another state because they feared for their lives. With the help of a victim advocate, we helped the children build the confidence to tell their stories in front of a jury. The trial lasted two weeks and more than a dozen witnesses testified, including the victims and their children. After a day of deliberation, the jury returned a guilty verdict.

Co-Counsel:

Justin Dillon, Esq. (former AUSA)
Dillon PLLC
1717 K St. NW
Suite 900
Washington, DC 20006
(202) 421-5298 (cell)

Opposing Counsel:

Jeffrey M. Lewis, Esq.
1003 K Street, NW, Suite 635
Washington, DC 20001
(202) 737-2473

Abraham Blitzer, Esq.
419 7th Street, NW, Suite 405
Washington, DC 20004
(202)737-1638

Dennis Galarowicz, Esq.
P.O. Box 5130
Hyattsville, MD 20782-5130
(301) 699-3929

4. *Doak v. Johnson*, 798 F.3d 1096 (D.C. Cir. 2015) (before the Hon. Merrick B. Garland, the Hon. Patricia A. Millett, and the Hon. Robert L. Wilkins)

The Appellant sued the U.S. Coast Guard under the Rehabilitation Act for denying her requests for reasonable accommodations and retaliation when the agency fired her.

Appellant allegedly suffered from a number of illnesses, including major depressive disorder, obstructive sleep apnea, hyperthyroidism, and migraines, for which she sought reasonable accommodations. The Coast Guard provided the Appellant with most of the requested accommodations, except for telecommute, weekend hours, and a later work schedule because these requests were not medically supported. The District Court granted summary judgment to the Coast Guard, finding that Appellant's requested later start time, options to work weekend hours, and request to telecommute were unreasonable as a matter of law. The Appellant challenged this ruling on appeal to the D.C. Circuit. While the appeal was pending but before appellate briefing was complete, the D.C. Circuit issued a ruling in a different Rehabilitation Act case that essentially undermined the decision upon which the District Court relied to award summary judgment in the Coast Guard's favor.

In 2014, I volunteered to take over the appeal from a former colleague. I briefed the issues and successfully argued the case on appeal. In a 3-0 decision, the D.C. Circuit affirmed the District Court's grant of summary judgment.

Opposing Counsel:

Rani Rolston, Esq. (formerly at Alan Lescht & Associates, PC)
NTEU National Office
800 K Street, NW, Suite 1000
Washington, DC 20001
(202) 572-5500

Anabia Hasan, Esq. (formerly at Alan Lescht & Associates)
EEOC
131 M Street, NW
Washington, DC 20007
(202) 663-4500

5. *Hale v. United States*, No. 13-1390-RDM, 2019 WL 3767115 (D.D.C. Aug. 9, 2019)
(before the Hon. Randolph D. Moss)

Mr. Robert Hale sued the United States under the Federal Tort Claims Act for a workplace injury sustained while performing repairs on an air conditioning unit located in a U.S. Department of the Navy building. At the time of the accident, Mr. Hale was employed by a subcontractor for the Navy. To access the air conditioning unit, Mr. Hale

climbed up a ladder and crawled into a dark space along a narrow, wooden plank. When Mr. Hale reached the end of the plank, he stood up, hitting his head on the conduit. He lost his balance and fell forward through the drop ceiling. As a result of his twelve-foot fall, Mr. Hale fractured his wrist in multiple places. He alleged that the effects of this injury persisted. Mr. Hale alleged that the Navy was negligent for failure to comply with various Occupational Safety Health Administration regulations in maintaining a safe workplace and sought \$250,000 for his injuries.

In 2018, I was assigned to serve as co-counsel three weeks before trial. I devoted substantial time to master the evidence for trial. In the middle of the trial, my co-counsel unexpectedly went on extended leave. Thus, I became solely responsible for presenting the Government's entire defense, including preparing and presenting a "work place safety expert," who originally had been assigned as my trial partner's responsibility. At trial, my examination of the expert witness focused on negating any liability on the Government's part. As a result, the Court ruled in the Government's favor and stated, "Based on the Court's review of the evidence, the Court credits the conclusions of Kennedy [the Government's expert witness] over those of Lane [Plaintiff's expert] and Luskey [Plaintiff's fact witness]." *Hale v. United States*, No. 13-1390-RDM, 2019 WL 3767115, *6 (D.D.C. Aug. 9, 2019). The Court ultimately found that Mr. Hale's own negligence contributed to his injuries and he was barred from recovery under District of Columbia law.

Co-Counsel:

Joshua L. Rogers (former AUSA)
Sands Anderson
1005 Slater Road, Suite 200
Durham, NC 27703
(703) 347-2664 (cell)

Opposing Counsel:

Kasey Murray, Esq.
David Schloss, Esq.
Koonz McKenney Johnson & DePaolis LLP
2001 Pennsylvania Ave., NW, #450
Washington, DC 20006
(202) 796-3291

18. **Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

Over the course of my career, I have worked on a number of significant matters that settled before trial. The most significant are summarized below.

Noisette v. Lew, 211 F. Supp. 3d 73 (D.D.C. 2016), appealed as *Noisette v. Mnuchin*, C.A. 16-5324 (D.C. Cir.). In this Title VII matter, Plaintiff sued the IRS alleging discrimination based on his race and retaliation due to his prior protected activities when the agency did not select him for a promotion to a Supervisory Special Agent position. During the pendency of this case, the manager who made the promotion decision untimely passed away. I inherited this case and served as sole counsel during discovery and motions practice, in which the government ultimately prevailed on a motion for summary judgment. See *Noisette v. Lew*, 211 F. Supp. 3d 73 (D.D.C. 2016) (granting the agency's motion for summary judgment). Plaintiff appealed the adverse District Court's decision to the D.C. Circuit. While on appeal, the parties settled the case.

Pratt v. United States, Civ. No. 15-236-KBJ (D.D.C.). In this Federal Tort Claims Act (FTCA) case, Plaintiff alleged that the U.S. Capitol Police (USCP) negligently operated a security barricade causing Plaintiff to fall off his bicycle injuring his arm. Plaintiff claimed that USCP failed to notice him as he was riding over the security barrier when it was being raised. Although there were security cameras on the premises, USCP failed to preserve the footage that captured the accident. I served as sole counsel in this FTCA case. Plaintiff argued that the missing footage would show that USCP was negligent in operating the security barricade because the officer failed to notice that Plaintiff was on top of the barricade when the officer began raising it. Plaintiff further sought an adverse inference as a form of sanctions against USCP for evidence spoliation. I argued that the missing footage could also cut against Plaintiff because it could show that Plaintiff saw the barricade rising but nevertheless tried to jump over the barricade with his bicycle and fell. Therefore, the footage could show that Plaintiff was contributorily negligent. Although the Court reserved the evidence spoliation debate for trial, we decided to settle the case on the eve of trial.

Garcia-Vasquez v. United States, Civ. No. 19-148-KBJ (D.D.C.). This case involved a car accident, where Plaintiffs (husband and wife) initially filed suit in the District of Columbia Superior Court. Plaintiffs alleged that Mr. Stephen Nutter, a Marine Staff Sergeant, was negligent when he hit their car from behind at a red light stop. Because Sgt. Nutter was on official business at the time of the accident, we determined that he was working within the scope of his employment. Consequently, the United States substituted Sgt. Nutter as a defendant and removed the matter to the U.S. District Court for the District of Columbia. Under the Federal Tort Claims Act (FTCA), the United States is the only proper defendant for negligent claims, like those in this case. After removal to federal court, I sent an email with legal analyses to Plaintiffs' counsel, asking Plaintiffs to dismiss the matter entirely for lack of subject matter jurisdiction because Plaintiffs had not exhausted administrative remedies under the FTCA. Counsel agreed and the parties entered into a stipulated

dismissal with prejudice.

19. **Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.**

No.

A. List all court decisions you have made which were reversed or otherwise criticized on appeal.

20. **Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).**

No.

21. **Political activities and affiliations.**

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

None.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

None.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of \$50 or more.**

None.

22. **To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.**

No.

23. **Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give the particulars. Do not list any proceedings**

in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.

No.

- 24. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

Ramos v. Dep't of Agriculture, 2023 WL 2213396 (S.D. Fl. Feb. 24, 2023): Mr. Joey Gonzalez Ramos, proceeding *pro se*, sued the U.S. Department of Agriculture (USDA) and U.S. Department of Justice under the Privacy Act and the Freedom of Information Act in the U.S. District Court for the Southern District of Florida. Although I was not named as a defendant or listed as a party, Plaintiff's lawsuit alleged that Ms. Vanessa Eisemann (USDA counsel) and I (as an Assistant U.S. Attorney) played some role in disclosing to Mr. John J. Murphy (private defense counsel) that he (Plaintiff) was on paid administrative leave from the USDA in violation of the Privacy Act. The U.S. Attorney's Office for the Southern District of Florida represented the two federal agencies in this case. On February 24, 2023, the District Court granted summary judgment in the Government's favor on all claims under the Privacy Act and stated, "The record evidence however does not contain facts from which a reasonable juror could conclude that Plaintiff's status on administrative leave was disclosed to Murphy by Eisemann or Truong." See *Ramos v. Dep't of Agriculture*, 2023 WL 2213396, *6 (S.D. Fl. Feb. 24, 2023). The District Court ultimately entered final judgment in the Government's favor on all claims asserted by Plaintiff and ordered the Clerk of the Court to close the case. No appeal was filed.

Jones v. Mukasey, Civil No. 08-1493 (UNA) (D.D.C.) (filed Aug. 27, 2008): Mr. James Jones, a *pro se* prisoner, filed an "Emergency Petition for Writ Habeas Corpus," naming former Attorney General Michael Mukasey and myself as defendants. I was named as a defendant in my official capacity as an Assistant U.S. Attorney. The petitioner claimed that I inappropriately handled his Freedom of Information Act (FOIA) lawsuit to deny him access to information that would show that the government altered documents in his criminal case. On the same day that the petition was filed, the matter was transferred to the U.S. District Court for the Eastern District of Texas. *Jones v. Mukasey*, Civil No. 0801493-UNA, ECF No. 3 (D.D.C.). The Magistrate Judge in Texas construed the petitioner's claim as attacking the validity of his sentence by the trial court and recommended denying the petition. See *Jones v. Mukasey*, Civil No. 08-00563-MAC-ESH, ECF No. 9 (E.D. Tex. Jan. 29, 2010). On March 1, 2010, the District Court adopted the Magistrate's recommendation, entered final judgment, and dismissed the case entirely. *Id.* (ECF Nos. 11 and 12).

II. POTENTIAL CONFLICTS OF INTEREST

- 1. Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

Yes.

- 2. Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

None.

- 3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

None.

- 4. Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**

None.

- 5. Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

None.

- 6. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

Yes. I would like to continue teaching part-time as an Adjunct Professor at George Washington University Law School (where I currently teach) or at other local law schools.

- 7. Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**

I will follow all District of Columbia judicial ethical protocols and guidance for recusal if there is a conflict or appearance of conflict of interest in any matter before me as a judge.

8. If confirmed, do you expect to serve out your full term?

Yes.

III. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

IV. DISTRICT OF COLUMBIA REQUIREMENTS

Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section II - 150 1 (b), as amended.

1. **Are you a citizen of the United States?**

Yes.

2. **Are you a member of the bar of the District of Columbia?**

Yes.

3. **Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.**

Yes. I was admitted on January 10, 2000. I have been active in the DC bar since January 2000 and remain in good standing.

4. **If the answer to Question 3 is “no” --**

A. **Are you a professor of law in a law school in the District of Columbia?**

B. **Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**

C. **Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**

D. **Upon what grounds is that eligibility based?**

5. **Are you a bona fide resident of the District of Columbia?**

Yes.

6. **Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.**

Yes, since August 2019 I have resided at [REDACTED]
From August 2010 to July 2019, I resided at [REDACTED]

REDACTED

7. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?**

No.

8. **Have you been a member of either of these Commissions within the last 12 months?**

No.

9. **Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

My Judicial Nomination Commission questionnaire is attached.

AFFIDAVIT

John P. Swamy being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

John P. Swamy

SUBSCRIBED and SWORN TO before me this 29th day of March 2024.

Notary Public
MILTON D. PETTUS, SR.
Notary Public
State of Maryland
Prince George's County
My commission exp. December 10, 2026

Milton D. Pettus, Sr.

**Senator Josh Hawley
Post-Hearing Questions for the Record
Submitted to John C. Truong**

**Nominations of Sherri Beatty-Arthur, Rahkel Bouchet, Erin Johnston, Ray McKenzie, and
John Truong, to be Associate Judges, Superior Court of the District of Columbia**

Tuesday, June 4, 2024

1. If confirmed to this position, what would be your approach toward sentencing an individual convicted of a child pornography offense?

Response: When it comes to sentencing, I will faithfully follow the sentencing guidelines and the law. I will consider the pre-sentencing report and, if applicable, the victim's impact statement, and statement from the affected community. I will also consider the history and characteristics of the person who committed the crime, and the severity of the crime before imposing whatever consequences are deserved as set out in the applicable law.

2. Do you believe America is a systemically racist country?

Response: Systemic racism is a concept that I have not studied and, to my knowledge, there is no District of Columbia law that mandates or requires a judge to apply that concept. If fortunate to be confirmed, I commit to addressing all cases with impartiality and to the ideals of due process. I will review all issues presented to me without bias and prejudice. And ultimately, I will faithfully apply the applicable legal principles and precedents to the facts and issues presented to me by the litigants.

3. In the course of considering your candidacy for this position, has anyone at the White House or Department of Justice asked for you to provide your views on:

- a. *Roe v. Wade*, 410 U.S. 113 (1973)?

Response: No

- b. The Supreme Court's substantive due process precedents?

Response: No

- c. Systemic racism?

Response: No

- d. Critical race theory?

Response: No